

EMERGENCY

Formal Grievance Complaint and Investigation Demand

“...to petition the Government for a redress of grievances.” – Constitution Amendment I

Private and Confidential

March 11, 2021

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CONTENTS

	Page
I) EMERGENCY Formal Grievance And Investigation Demand	5
II) Perpetrators and Conspirators	26
III) Emolument Violations	28
IV) Summary of the Case	30
V) The Conspiracy Plot	58
VI) Disposed of South Carolina Statewide Misdemeanor Traffic Related Bench Warrant Used As Predicate for July 11, 2017 Arrest and Aggravated Assault of Mr. Beane	60
VII) (A) Private Property Trespass	78
(B) Aggravated Assault During Arrest Causing Serious Bodily Injury	86
(C) Public Humiliation	95
(D) Felony Kidnapping	97
VIII) Private Property Search and Seizure Without A Warrant	101
IX) Grand Jury Witness	104
X) Fraudulent Fictitious Signed District Court Arrest Warrant	105
XI) Tennessee Arrest Law	109
XII) No FBI Jurisdiction	111
No US Attorney Jurisdiction	116
XIII) No Federal Jurisdiction	118
XIV) (A) No Probable Cause	133
(B) Denial of Due Process ...	135
(C) Denial of Detention Hearing	136
XV) (A) Prosecutorial Misconduct (Improper and Illegal Acts to Wrongly Persuade the Grand Jury and Trial Jury to	

Indict and Convict)	143
(B) Fraud upon Court	157
(C) Wrongful Selective Prosecution	168
XVI) Knowing Misrepresentation of Definition	171
(A) Money Laundering	171
(B) Affect Interstate Commerce	179
(C) Fraud	180
XVII) Treasury Direct Depository Account / Social Security Account Number	183
XVIII) False Personation	185
XIX) Heather-Ann:Tucci:Jarraf	188
XX) Jurisdiction Report – C. Clifford Shirley	198
XXI) Freudian Slip (1), (2), and (3)	218
XXII) Privacy Violations	219
XXIII) Punishment – Sentencing and Double Jeopardy	229
Punishment #1 - \$553,749.99 Personal Money Judgment From Mr. Beane to the United Sates	229
Punishment #2 - \$511,289.02 Criminal Monetary Penalties From Mr. Beane to the US District Court For the Eastern District of Tennessee	231
Punishment #3 - \$510,589.02 Restitution from Mr. Beane To USAA Bank	233
Punishment #4 – 120 months and 155 months in prison to run concurrently	234
Punishment #5 – Collection of DNA	234
Punishment #6 – Motorhome Unlawfully Seized	235
Punishment #7 – Six Cents (.06) Per Hour Prison Wage	235
Punishment #8 – \$31,000,494.97 Seized From Randall- Keith:Beane’s Personal USAA	

Bank Account	236
Punishment #9 – Loss of Voting Right	237
XXIV) Petition of Third Party Interest	242
XXV) The Appeal	248
XXVI) Misprison of Treason	266
XXVII) Bonding/Liability Information	273
XXVIII) Rules of Professional Conduct	274
XXIX) Remedy	275
Conclusion	280
XXX) Cases.....	305
United States v. Throckmorton	305
Hale v. Henkel.....	305
William Marbury v. James Madison	306
Cruden v. Neale	307
Group v. Finletter	307
United States v. W Kis	307
Sims v. Ahrens	307
Rescue Army v. Municipal Court of Los Angeles	307
Hurtado v. California	308
Lewis v. U.S.	308
Earle v. McVeigh	308
Rose v. Himely (1808)	308
Rankin v. Howard (1980)	309
Boyd v. United States	309
Cooper v. O’Conner	309
Cooper v. Aaron	309
Davis v. Burris	309
Piper v. Pearson	309
Cohen v. Virginia (1821)	309
Trezevant v. City of Tampa	310
XXXI) Attachments	310

1 **I) EMERGENCY FORMAL GRIEVANCE COMPLAINT**
2 **AND INVESTIGATION DEMAND**
3

4 Subject: A Tennessee Crime Ring of district court judges, federal prosecutors,
5 FBI, Sheriff Deputies et al. – Complaint and Investigation
6 Demand Regarding Emolument Violations to Include:
7

8 Conspiracy to Deprive Rights, Deprivation of Rights, Felony Kidnapping, False
9 Imprisonment, Fraudulent and Fictitious Arrest Warrants, Denial of Due Process,
10 Misprison of Treason, Misprison of Felony, Abuse of Law and Legal Process,
11 Perjury, False and Misleading Statements to the Grand Jury and Trial Jury, Fraud,
12 FBI Excessive Force, FBI Lack of Jurisdiction, Prosecutorial and Judicial
13 Misconduct and Lack of Jurisdiction, and Wrongful Selective Prosecution in the
14 United States District Court for the Eastern District of Tennessee.
15

16 This complaint is painful acknowledgement that in Tennessee the people's
17 government has been usurped by evil wicked treasonous traitor turncoat servants
18 who were trusted by the people to do their job. It is written with Love for the
19 Country, the true victims Mr. Beane and Mrs. Tucci:Jarraf, and the King of Kings.

20 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf had the Right to live in peace
21 and be left alone when law-abiding. They were denied that right. By fraud, the
22 perpetrators and conspirators concocted a fraud and money laundering case against
23 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to hide the theft of
24 \$31,000,494.97 from Randall-Keith:Beane, and seek revenge against Heather-
25 Ann:Tucci:Jarraf for her UCC filings foreclosing corporate criminal enterprises –
26 some impersonating governments.

27 To manufacture a fraud charge and arrest Mr. Beane and then Mrs. Tucci:Jarraf,
28 perpetrators and conspirators made false exculpatory statements like: (1) Mr.
29 Beane altered his social security account number by one digit to access his treasury
30 direct depository account (the source of the \$31,000,494.97), and (2) They said
31 they had an "active" "outstanding" arrest warrant for Mr. Beane that they knew to
32 be a South Carolina **statewide** misdemeanor traffic related bench warrant disposed
33 of two years earlier. Both prove the frame up. Not doing their job as investigators,
34 prosecutors and judges is further evidence of their intent.
35

36 FBI and US Attorney perpetrators and conspirators did not disclose their unlawful
37 arrest of Mr. Beane on July 11, 2017. They did not yell out to the courtroom –

1 'Hey, we used a South Carolina statewide traffic related bench warrant that was
2 disposed of two years earlier.' They covered it up. They didn't want anyone to
3 read the middle of the warrant that said it was a South Carolina statewide warrant –
4 and they were in Tennessee. (Att. #1.2) They didn't present the South Carolina
5 public index which showed the traffic related case against Mr. Beane had a
6 disposition date of 7/17/2015. (Att. #2.1)

7
8 Perpetrator and conspirator Debra Poplin was the clerk - the keeper of the records
9 for the US District Court for the Eastern District of Tennessee. She knew the
10 Tennessee arrest warrants issued for Mr. Beane and Mrs. Tucci:Jarraf were
11 fraudulent because they did not have her signature on them as required by 18a U.S.
12 Code Rule 9 (Arrest Warrant on Indictment – Att. #10) . She kept quiet and
13 covered it up. She allowed the U.S. Marshals Service to participate in the
14 conspiracy and kidnap Mr. Beane and Mrs. Tucci:Jarraf using fraudulent arrest
15 warrants. (Att. #3 and #4)

16
17 The FBI and US Attorneys knew the Tennessee arrest warrants were not in legal
18 form. The US Attorneys knew the FBI did not have jurisdiction. They
19 intentionally had Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf kidnapped.

20
21 The US District Court judges knew the FBI and US Attorneys, and they
22 themselves, did not have jurisdiction. They all participated in the felony
23 kidnapping of Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

24
25 The Sixth Circuit Appeals Court judges knew the FBI, US Attorneys, and District
26 Court judges plotted to kidnap and detain Randall-Keith:Beane and Heather-
27 Ann:Tucci:Jarraf without a valid warrant. None of them had lawful authority or
28 jurisdiction from the get-go and they all knew it. The appellate judges kept it
29 quiet, covered it up and pretended they all had authority and jurisdiction.

30
31 The entire case was willfully and intentionally created based upon fraud and they
32 all knew it, and they all concealed it because it was part of the conspiracy plot.

33
34 The Supreme Court ruled in **United States v. Throckmorton (Supreme Court -**
35 **98 U.S. 61 (1878))** "There is no question of the general doctrine that fraud vitiates
36 the most solemn contracts, documents, and **even judgments.**" (Att. #83.2) It
37 goes on to say, "Fraud vitiates every thing." Not some things – EVERYTHING!
38 (Att. #83.3)

1 You each have a distinct role and obligation to investigate and determine the
2 level of involvement of government employees, your organization, or any
3 organization and company that participated in the unlawful exercise of power to
4 deprive rights, to determine the depth of the conspiracy to deprive rights and the
5 deprivation of rights of American constituents Randall-Keith:Beane and Heather-
6 Ann:Tucci:Jarraf, to ensure Mr. Beane and Mrs. Tucci:Jarraf are immediately
7 released from their false imprisonment, and to ensure impeachment and criminal
8 charges are filed against those responsible.

9 Law combat is not what we do for a living. We had to step out of our lane
10 and jump into your lane because you allowed an innocent man and an innocent
11 woman to be kidnapped, trafficked, and falsely imprisoned by your colleagues
12 right under your nose based on a fabricated fraud and money laundering charge,
13 fraudulent fictitious signed Tennessee district court arrest warrants, and a South
14 Carolina statewide misdemeanor traffic related bench warrant that had been
15 disposed of two years earlier.

16 Corruption exists in every profession. This is not a complaint to bash law
17 enforcement. We admire the work of law enforcement and other first responders.
18 We love, respect, and cherish law enforcement as we do the military. They run
19 toward trouble while most run the other way. We admire their courage. But we
20 have to separate the dirty from the clean. In this case the nefarious actors involved

1 violated the law and knowingly and intentionally conspired to deprive Randall-
2 Keith:Beane and Heather-Ann:Tucci:Jarraf of their God-given freedom, liberty and
3 rights.

4 We have been in contact with Randall-Keith:Beane, but we do not know him
5 or Heather-Ann:Tucci:Jarraf and it doesn't matter. They are Americans. They are
6 members of mankind who've been falsely imprisoned and severely injured and
7 that's good enough reason for us to file this emergency complaint. Just imagine if
8 what was done to Mr. Beane and Mrs. Tucci:Jarraf was done to you, or a family
9 member, or a friend. You would most certainly want someone to help. We know
10 we would. We wouldn't be much better than the evil ones who falsely imprisoned
11 Mr. Beane and Mrs. Tucci:Jarraf if we sat and did nothing and allowed their false
12 imprisonment to continue. Is it possible to believe in Almighty God and sit idle
13 while two innocent Almighty God created living souls are falsely imprisoned?
14 You may look the other way and pretend you don't see what's there but God
15 Almighty knows what you see and what you've done about it – or not done.
16 Imagine arriving at the pearly gates and before you can enter you must
17 satisfactorily explain certain things you did while in the body like why you
18 participated in or allowed an innocent man and an innocent woman to be falsely
19 imprisoned. You won't be able to b.s. the Most High. Mr. Beane and Mrs. Tucci-

1 Jarraf were done dirty by traffickers and felony kidnappers purporting to be
2 servants of the people's government.

3 Having read many of the court documents we allege Tennessee FBI agents,
4 Tennessee United States Attorney's Office, Tennessee district court judges, and
5 others conspired to frame Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf for a
6 fraud and money laundering case they invented to hide the theft of \$31,000,494.97
7 from Randall-Keith:Beane's USAA bank account, and to benefit from: (1) a
8 criminal monetary penalty of \$511,289.02 payable to the Eastern District of
9 Tennessee District Court, (2) A personal money judgment of \$553,749.99 payable
10 to the United States allegedly for USAA Bank, (3) Restitution of \$510,589.02 to
11 USAA Bank, and (4) Unlawful seizure and sale of the \$503,110.68 motorhome to
12 USAA Bank – owned by the Randall Keith Beane Factualized Trust.

13 We, the private natural American people, submit this **EMERGENCY**
14 formal grievance complaint and demand investigation regarding **United States of**
15 **America v. Randall Keith Beane and Heather Ann Tucci Jarraf. (Case No.:**
16 **3:17-CR-82)** pursuant to violation of a host of US codes/statutes, Tennessee
17 Constitution Declaration of Rights, Article 1, Sections 1, 2, 7, 8, 9, 10, 15, 18 and
18 21 (Att. #73.1, #73.2, #73.3), violation of United States Constitution Article VI,
19 Clause 3 (Violation of Oath), Article I, Section 8, Clause 14 (U.S. Code Rules for
20 the Government), Article I, Section 9, Clause 3 (no bill of pains and penalties),

1 Article III, Section 2 (Judicial Power), Section 3 (Treason Against the United
2 States), Article I, Section 9, Clause 8 (If any citizen of the United States shall
3 accept, claim, receive, or retain any title of nobility or honor...such person shall
4 cease to be a citizen of the United States, and **shall be incapable of holding any**
5 **office of trust or profit** (Att. #72.1, #72.2), the 4th, 5th, 6th, and 14th Amendments
6 (Procedural and Substantive Due Process), and the International Covenant on Civil
7 and Political Rights Treaty (ICCPR – Att. #35.1 - #35.4) ratified and entered into
8 force in 1992 to include:

- 9 • Article 1. All peoples have the right of self-determination.
- 10 • Article 6. Every human being has the inherent right to life. This right shall
11 be protected by law. No one shall be arbitrarily deprived of his life.
- 12 • Article 9. Everyone has the right to liberty and security of person. No one
13 shall be subjected to arbitrary arrest or detention. No one shall be deprived
14 of his liberty except on such grounds and in accordance with such procedure
15 as are established by law.
- 16 • Article 9. Anyone who is arrested shall be informed, at the time of arrest, of
17 the reasons for his arrest and shall be promptly informed of any charges
18 against him.
- 19 • Article 9. Anyone arrested or detained on a criminal charge shall be
20 brought promptly before a judge or other officer authorized by law to

1 exercise judicial power and shall be entitled to trial within a reasonable time
2 or to release. It shall not be the general rule that persons awaiting trial shall
3 be detained in custody, but release may be subject to guarantees to appear
4 for trial, at any other stage of the judicial proceedings, and, should occasion
5 arise, for execution of the judgment.

- 6 • Article 9. Anyone who is deprived of his liberty by arrest or detention shall
7 be entitled to take proceedings before a court, in order that that court may
8 decide without delay on the lawfulness of his detention and order his release
9 if the detention is not lawful.

- 10 • Article 9. Anyone who has been the victim of unlawful arrest or detention
11 shall have an enforceable right to compensation.

- 12 • Article 14. All persons shall be equal before the courts and tribunals. In the
13 determination of any criminal charge against him, or of his rights and
14 obligations in a suit at law, everyone shall be entitled to a fair and public
15 hearing by a competent, independent and impartial tribunal established by
16 law.

17 We are reporting a conspiracy to deprive rights, deprivation of rights, and
18 the false imprisonment of Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf
19 through creation of a fabricated fraudulent criminal case (among other criminal
20 activity) by the Tennessee FBI, Tennessee United States Attorney's Office, Eastern

District of Tennessee District Court, Knoxville Sheriff's office, U.S. Court of Appeals for the Sixth Cir., etc. Their actions were purposeful, intentional, and unlawful. They operated knowingly without subject matter jurisdiction or personal jurisdiction. All rulings were made in violation of due process and are void.

DEFINITION CONSPIRACY - Black's Law Dictionary, 4th Edition
(Pg. 382-383)

“In criminal law - A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is innocent in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful.”

“A combination, or an agreement between two or more persons, for accomplishing an unlawful end or a lawful end by unlawful means.”

“A partnership in criminal purposes.”

“The essence of "conspiracy" *is* an agreement, together with an overt act, to do an unlawful act, or do a lawful act in an unlawful manner.”

“A conspiracy may be a continuing one; actors may drop out, and others drop in; the details of operation may change from time to time; **the members need not know each other or the part played by others;** a member need not know all the details of the plan or the operations; he must, however, know the

1 purpose of the conspiracy and agree to become a party to a plan to effectuate that
2 purpose.”

3 “A consultation or agreement between two or more persons, either falsely to
4 accuse another of a crime punishable by law; or wrongfully to injure or prejudice a
5 third person, or any body of men, in any manner; or to commit any offense
6 punishable by law; or to do any act with intent to prevent the course of justice; or
7 to effect a legal purpose with a corrupt intent, or by improper means.”

8 DEFINITION

9 **FALSE IMPRISONMENT** - Any **intentional detention** of the
10 person of another **not authorized by law**, is false imprisonment. 1 Bald. 571; 9 N.
11 H. Rep. 491; 2 Brev. R. 157. It is any **illegal imprisonment, without any process**
12 **whatever, or under color of process wholly illegal...**(Bouvier’s Law Dictionary,
13 Revised Sixth Edition, P. 754)

14
15 **FALSE IMPRISONMENT** - The **unlawful arrest or detention** of
16 a person **without warrant, or by an illegal warrant**, or a **warrant illegally**
17 **executed**, and either in a prison or a place used temporarily for that purpose, or by
18 force and constraint without confinement. Eberling v. State, 136 Ind. 117, 35 N.E.
19 1023. False imprisonment consists in the **unlawful detention** of the person of
20 another, **for any length of time**, whereby he is **deprived of his personal liberty**.
21 Mahan v. Adam, 144 Md. 355, 124 A. 901, 904. (Black’s Law Dictionary, 4th
22 Edition, P. 890)

23 24 **18 U.S. Code § 241. Conspiracy against rights** (Att. #38)

25 “If two or more persons conspire to injure, oppress, threaten, or intimidate
26 any person in any State, Territory, Commonwealth, Possession, or District in the
27 free exercise or enjoyment of any right or privilege secured to him by the
28 Constitution or laws of the United States, or because of his having so exercised the

1 same; or If two or more persons go in disguise on the highway, or on the premises
2 of another, with intent to prevent or hinder his free exercise or enjoyment of any
3 right or privilege so secured—They shall be fined under this title or imprisoned not
4 more than ten years, or both; and if death results from the acts committed in
5 violation of this section **or if such acts include kidnapping** or an attempt to
6 kidnap, aggravated sexual abuse or an attempt to commit aggravated
7 sexual abuse, or an attempt to kill, they shall be fined under this title or
8 **imprisoned for any term of years or for life**, or both, **or may be sentenced to**
9 **death.**”

10 This case involves Tennessee and South Carolina. Ohio and California is
11 where the felony kidnappers and human traffickers had Randall-Keith:Beane and
12 Heather-Ann:Tucci:Jarraf unlawfully transported and detained.

13 This complaint is lengthy because we had to **show the conspiracy and**
14 **fraud** knowingly committed by the perpetrators and coconspirators. Revealing the
15 lies unveils the fraud and conspiracy.

16 We understand people don’t want to read more than ten or twenty pages.
17 We wish we could have kept this complaint in that range, but unfortunately a lot
18 went down in the case.

19 The conspiracy is easy to see. The perpetrators and conspirators did eight
20 obvious things:

1 (1) They used a South Carolina statewide misdemeanor traffic related bench
2 warrant that had been disposed of two years earlier as the predicate to arrest
3 Randall-Keith:Beane on July 11, 2017 at Buddy Gregg RVs & Motor Homes in
4 Knoxville, Tennessee. (Att. #1.2, #12 and #13).

5 (2) They created two fraudulent fictitious signed Tennessee district court
6 arrest warrants (Att. #3, #4 and #10) to arrest Mr. Beane a fourth time July 27,
7 2017, and to arrest Heather-Ann:Tucci:Jarraf July 26, 2017.

8 (3) They fabricated a fraud case based on a lie to the grand jury that Mr.
9 Beane altered his social security account number by one digit, and that he used a
10 'fraudulent' 'fictitious' account number to access his treasury direct depository
11 account. (Grand Jury Transcript, P. 6, Line 5-7; P. 14, Line 2-4, 12-13)

12 (4) They lied to the grand jury saying Mr. Beane accessed a "**fictitious**"
13 (non-existent, imaginary, make-believe unreal) bank account (Indictment Att.
14 #71.2, #71.3, #71.4) while at the same time saying Mr. Beane took
15 \$31,000,494.97. (Att. #31.3) Was the account "**fictitious**" or did Mr. Beane take
16 \$31,000,494.97? It can't be both. The answer is Mr. Beane took \$31,000,494.97
17 from his treasury direct depository account using his own social security account
18 number.

1 (5) The FBI and US Attorneys never interviewed or spoke with Mr. Beane
2 about his private USAA Bank transactions. They didn't want or need his side of
3 the story because they knew what their goal was. They just ambushed him.

4 (6) They denied Mr. Beane a detention hearing to keep him in custody so
5 that he could not access any of his personal records regarding the transactions or
6 do any research. They caused Mr. Beane to be evicted from his home and lose his
7 job.

8 (7) They deceived the grand jury and trial jury about the definition of key
9 words: fraud, interstate commerce, and money laundering.

10 (8) The FBI agents, United States attorneys, and district court
11 magistrate/judges all knew they did not have subject-matter or personal jurisdiction
12 but they moved forward anyway. Here are some of the jurisdiction restrictions:

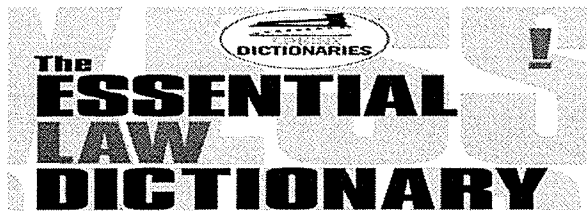
13 a. There are two ways for a federal court to gain subject matter jurisdiction:
14 (1) 28 U.S. Code § 1331 (federal question jurisdiction), and (2) 28 U.S.
15 Code § 1332 (diversity jurisdiction). They both pertain to **civil actions**.
16 (Att. #5, #6, and #7)

17 <https://definitions.uslegal.com/c/civil-action/>

Civil Action Law and Legal Definition

A civil action is an action that is brought to enforce, redress or protect a private or civil right. It is a non criminal litigation. If the action is brought by a private person it is termed as private action. If it brought by the government it is termed as public action.

In Gillson v. Vendome Petroleum Corp., 35 F. Supp. 815, 819 (D. La. 1940), the court defined civil action as "every species of "suit" not of a criminal kind, and comprehends every conceivable cause of action, whether legal or equitable, except such as are "criminal", in the sense that the judgment may be a fine or imprisonment, etc."



civil action. N. A lawsuit brought by a private citizen to protect a private or civil right or to seek a civil remedy; a noncriminal action.

A LAW DICTIONARY

ADAPTED TO THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA AND OF THE SEVERAL STATES OF THE AMERICAN UNION

by John Bouvier

Revised Sixth Edition, 1856

CIVIL ACTION. In New York, actions are divided only into two kinds, namely, criminal and civil. A criminal action is prosecuted by the state, as a party, against a person charged with a public offence, for the punishment thereof. Every other action is a civil action. Code of Procedure, s. 4, 5, 6; 3 Bouv. Inst. n. 2638. In common parlance, however, writs of mandamus, certiorari, habeas corpus, &c., are not comprised by the expression, civil actions. 6 Bin. Rep. 9.

1 b. 18 U.S. Code § 3052. **Powers of Federal Bureau of Investigation**

2 "...agents of the Federal Bureau of Investigation of the Department of
3 Justice may carry firearms, **serve warrants** and subpoenas **issued under the**
4 **authority of the United States** and make arrests without warrant for any
5 offense against the United States committed in their presence, or for any
6 felony cognizable under the laws of the United States..." (Att. #15) The
7 South Carolina disposed of bench warrant they used to arrest Mr. Beane July
8 11, 2017 was not issued under the authority of the United States and there
9 was no offense committed against the United States.

10 c. 28 U.S. Code § 516. **Conduct of litigation reserved to Department of Justice**

11 ...the conduct of litigation in which the United States, an agency, or
12 officer thereof is a party, or is interested... (Att. #17 and #18) The
13 party/plaintiff was not the nation. It was the corporation United States of
14 America and it did not have standing. The United States of America was not
15 a true party in interest. (Att. #33.2)

16 d. 28 U.S. Code § 547. **Duties**

17 United States Attorney shall prosecute for all offenses against the United
18 States; prosecute or defend for the government all civil actions...(Att. #18)

19 e. 18 U.S. Code § 3041. **Power of courts and magistrates**

20 "**For any offense against the United States...**" (Att. #14) Mr. Beane and
21 Mrs. Tucci:Jarraf did not commit an offense against the United States or
22 United States of America. (Att. #33.2)

23 "Where there is no jurisdiction, there can be no discretion, for discretion is
24 incident to jurisdiction." (Piper v. Pearson, 2 Gray 120, cited in Bradley v.
25 Fisher, 13 Wall. 335, 20 L.Ed. 646; 1872)

26
27 "We (judges) have no more right to decline the exercise of jurisdiction
28 which is given, than to usurp that which is not given. The one or the other
29 would be treason to the Constitution." (Cohen v. Virginia, (1821), 6
30 Wheat. 264 and U.S. v. Will, 449 U.S. 200)

1 “A judge must be acting within his jurisdiction as to subject matter and
2 person, to be entitled to immunity from civil action for his acts.” (Davis v.
3 Burris, 51 Ariz. 220, 75 P.2d 689; 1938)

4 To create an offense against the United States of America the perpetrators
5 first had to deceive the grand jury into believing the United States of America and
6 the United States are the same - and is a government entity. They’re not the same
7 and they’re not the government. The perpetrators and conspirators deceitfully use
8 United States and United States of America interchangeably even though they are
9 different corporate entities. Perpetrator and conspirator Thomas A. Varlan (then
10 Chief US District Judge) admitted the “United States” is not the government. (Att.
11 #78.2) And 28 U.S.C. § 3002(15) says: “United States” means – (A) a Federal
12 corporation. Attachment #67 and #68 makes it clear United States of America is
13 a corporation.

14 The perpetrators and conspirators decided to use the FDIC to imply there
15 was an ‘action against the United States’ even though no FDIC claim was filed and
16 the FDIC does not cover alleged “theft” or “stolen” “funds.” (Att. #36)

17 The conspiracy is crystal clear. If the perpetrators and conspirators had a
18 valid case they would not have conspired to create one. It is obvious that a group of
19 FBI investigators, US Attorney prosecutors, district court magistrates/judges, and
20 others had come together to fabricate a fraud and money laundering case against
21 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

1 When you look at the events of July 11, 2017, when Mr. Beane was at
2 Buddy Gregg RVs & Motor Homes to conduct a private business transaction, you
3 see that the arrest of Randall-Keith:Beane was not intended to be a typical law
4 enforcement action. It's clear they planned an ambush. Perpetrator and
5 conspirator Parker Still stated Buddy Gregg RVs & Motor Homes kept the FBI
6 informed of Mr. Beane's private transaction – WITHOUT A SUBPOENA. (Grand
7 Jury Transcript, P. 53, L 21-22, 24-25) The perpetrators and conspirators knew Mr.
8 Beane's private purchase of the motorhome was completed Friday, July 7, 2017,
9 but they waited until Tuesday, July 11, 2017 when Mr. Beane went in to pick up
10 the motorhome to flex their muscle and exert excessive force to arrest him. They
11 waited so they could ambush him – so that the FBI perpetrators could appear to be
12 in compliance with 18 U.S. Code § 3052 (“...committed in their presence...”) and
13 say they saw an offense committed ‘with their own eyes.’ But all they saw was a
14 man sitting behind the wheel of a motorhome he legally and lawfully purchased in
15 the name of a trust that he had not even driven off the lot. The perpetrators and
16 conspirators wanted to cause a big public scene—beat up Mr. Beane—and
17 humiliate him by pulling down his shorts. (Att. #34.8)

18 The FBI perpetrators and conspirators wanted to arrest Mr. Beane at Buddy
19 Gregg RVs & Motor Homes so they had to wait until their Buddy Gregg informant

1 advised them when Mr. Beane was physically there to pick up the trust's private
2 property motorhome.

3 Our analysis of the case is the perpetrators and conspirators are great
4 practitioners of the art of deception. They had a sinister plot and a playbook that
5 took them from indictment to conviction. Reversing the conviction on appeal was
6 not part of the plan so the plot and conspiracy had to continue. The perpetrators
7 and conspirators framed Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.
8 They incriminated two innocent people with fictitious falsified fraudulent
9 evidence. At least part of their motivation for the conspiracy likely was the
10 \$511,289.02 ordered by perpetrator and conspirator Thomas A. Varlan to be paid
11 to the US district court immediately in a lump sum by Randall-Keith:Beane.
12 (Att. #26.3) Perpetrator and conspirator Thomas A. Varlan said "Having assessed
13 the defendant's ability to pay." Where did he see Mr. Beane had \$511,289.02?
14 Did USAA Bank tell him about the \$31,000,494.97 they removed from Mr.
15 Beane's personal USAA bank account without a warrant? Or was he given access
16 to look into Mr. Beane's treasury direct depository account?

17 As you continue to read you will see the actions taken had nothing to do
18 with justice or the law – it was all about getting two people: Randall-Keith:Beane
19 and Heather-Ann:Tucci:Jarraf. The perpetrators and coconspirators only had eyes
20 for falsely imprisoning Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. They

1 didn't care about the tens or hundreds of thousands of other Americans who
2 accessed their treasury direct depository account during the same time period.
3 They didn't care about the man, "Harvey Dent," who showed everyone through a
4 YouTube video how to access their treasury direct depository account. They didn't
5 care about anyone else because this was a prosecution designed to falsely imprison
6 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to cover up the theft of
7 \$31,000,494.97 taken from Randall-Keith:Beane's personal USAA bank account.

8 We read the grand jury transcript, indictment, arrest warrants (78 pages),
9 eight volume trial transcripts (1436 pages), jurisdiction argument (115 pages—
10 Doc. 46, 47, 62 and Oct. 18, 2017 hearing), appeals court opinion (13 pages),
11 August 29, 2017 C. Clifford Shirley, Jr. hearing to remove Bobby Hutson, Jr.
12 (Public Defender) appointed for Randall-Keith:Beane by C. Clifford Shirley, Jr.
13 (34 pages—Doc. 40), and several other case documents. The actions taken by the
14 perpetrators and coconspirators were unlawful.

15 This is a shocking and ugly story about United States District Court Judges,
16 Sixth Circuit Appellate Judges, Department of Justice Prosecutors, FBI Agents,
17 Knoxville County Sheriff Deputies, Court Clerk, and other bad actors who
18 conspired against Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to falsely
19 imprison them and deprive them of their God-given liberty, freedom and rights.
20 The perpetrators and coconspirators manipulated evidence to secure an indictment

1 and conviction. The appellate judges and the BAR attorneys they appointed to
2 represent Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf could have enforced
3 the rule of law as they know it exists but they chose not to. They joined in and
4 played their role in the conspiracy. We suspect it was all done for the purpose of a
5 big pay day. Railroading Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf into
6 federal prison was a willful act to inflict pain and suffering to silence them and
7 cover up the \$31,000,494.97 heist.

8 Heather-Ann:Tucci:Jarraf provided lawful assistance with regard to the
9 Randall-Keith:Beane Factualized Trust and that work apparently provided the
10 opportunity for the perpetrators and conspirators to make up a charge against
11 Heather-Ann:Tucci:Jarraf to get her for her work in foreclosing the United States
12 of America corporation, the Federal Reserve, the BIS, etc. through the Uniform
13 Commercial Code.

14 Mrs. Tucci:Jarraf has the right to earn a living income by being compensated
15 with wages in a fair exchange for her work. She is also entitled to offer her
16 services free of charge as was the case with Mr. Beane.

17 The perpetrators and conspirators bullied, threatened, lied, deceived,
18 misrepresented, and concealed their way to an indictment and conviction.

19 We read the “**Report of the Commission on Unalienable Rights**” and hope
20 that you will keep the following passage in mind as you read about the judges,

1 prosecutors, investigators, deputy sheriffs, bankers and others who plotted and
2 conspired against Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The
3 conspiracy led them to commit criminal acts such as fraud, felony aggravated
4 assault causing bodily injury, felony kidnapping, and felony false imprisonment in
5 violation of 18 U.S. Code § 4. (Att. #44) Perpetrators and conspirators were on a
6 mission – not of justice – to terrorize Randall-Keith:Beane and Heather-
7 Ann:Tucci:Jarraf and to deprive them of their rights.

8 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were treated as though
9 they had NO RIGHTS at all, but the Creator has absolutely given them the right to
10 life, liberty, freedom, private property and the pursuit of happiness. These God-
11 given rights are acknowledged in the Declaration of Independence, Bill of Rights,
12 Constitution and case history: “Every man is independent of all laws, except those
13 prescribed by nature. He is not bound by any institutions formed by his fellow-
14 men without his consent.” (Cruden vs. Neale, 2 NC 338)

15 As stated in City of Dallas v. Mitchell (245 S.W. 944 (1922)), "**The rights of**
16 **the individual are not derived from governmental agencies**, either municipal,
17 state or federal, **or even from the Constitution. They exist inherently in every**
18 **man, by endowment of the Creator**, and are merely **reaffirmed in the**
19 **Constitution...**”

1 The perpetrators and conspirators trampled all over Mr. Beane's and Mrs.
2 Tucci:Jarraf's Rights. The Report of the Commission on Unalienable Rights,
3 outlines some of those rights in the following paragraphs located on page 13 (Att.
4 #58.2):

5 The aim must always be to restore political society. The civil liberty that political
6 society makes possible — **the rights to travel**; to enter contracts and agreements;
7 to possess, use, purchase, and dispose of property; to the **protection of person and**
8 **property**; to the **equal application of criminal laws**; and to **fair and equal**
9 **treatment in court** — enables individuals to live safely in their families and
10 communities and to enjoy their unalienable rights.

11
12 “Foremost among the unalienable rights **that government is established to**
13 **secure**, from the founders' point of view, are **property rights** and religious liberty.

14 A political society that destroys the possibility of either loses its legitimacy.
15 For the founders, **property refers not only to physical goods and the fruit of**
16 **one's labor but also encompasses life, liberty, and the pursuit of happiness.**
17 They assumed, following philosopher John Locke, that the protection of property
18 rights benefits all by increasing the incentive for producing goods and delivering
19 services desired by others.”

20
21 “Protection of property rights is also central to the effective exercise of positive
22 rights and to the pursuit of happiness in family, community, and worship. **Without**
23 **the ability to maintain control over one's labor, goods, land, home, and other**
24 **material possessions, one can neither enjoy individual rights nor can society**
25 **build a common life.** Moreover, the choices we make about what and how to
26 produce, exchange, distribute, and consume can be tightly bound up with the kinds
27 of human beings we wish to become. Not least, **the right of private property**
28 **sustains a sphere generally off limits to government, a sphere in which**
29 **individuals, their families, and the communities they form can pursue**
30 **happiness in peace and prosperity. “**

1 **II) Perpetrators and Coconspirators:**

- 2 1) David True Brown, Jr., Director, Financial Crimes Investigation USAA
3 Bank – Texas
- 4
- 5 2) Wayne Peacock, USAA Bank CEO and President – Texas
- 6
- 7 3) Stuart Parker, USAA Bank Former CEO and President – Texas
- 8
- 9 4) Dan McNamara, President USAA Bank – Texas
- 10 5) Michael Merwarth, Senior Vice President USAA Bank – Texas
- 11
- 12 6) Torben Ostergaard, Executive Vice President and Chief Risk Officer USAA
13 Bank – Texas
- 14
- 15 7) Dana Simmons, Executive Vice President, CEO Chief of Staff USAA Bank
16 – Texas
- 17
- 18 8) Laura Bishop, Executive Vice President and Chief Financial Officer USAA
19 Bank -- Texas
- 20
- 21 9) FBI Special Agent Parker Still, Esq. -- Knoxville, Tennessee
- 22 10) FBI Special Agent Jimmy Durand – Knoxville, Tennessee
- 23 11) FBI Special Agent Jason Pack -- Knoxville, Tennessee
- 24 12) FBI Special Agent Joelle Vehec -- Knoxville, Tennessee
- 25 13) FBI Forensic Accountant Zach Scrima -- Washington, DC
- 26 14) Asst. U.S. Attorney Cynthia F. Davidson, Esquire -- Tennessee
- 27
- 28 15) Asst. U.S. Attorney Anne-Marie Svolto, Esquire – Tennessee
- 29
- 30 16) United States Attorney Nancy Stallard Harr -- Tennessee
- 31 17) United States Attorney James Douglas Overbey -- Tennessee

- 1 18) US District Judge Thomas A. Varlan - Tennessee
- 2 19) US Magistrate Judge C. Clifford Shirley, Jr. (Retired) -- Tennessee
- 3 20) United States Magistrate Judge (then clerk) Debra C. Poplin (District
4 Court for the Eastern District of Tennessee)
- 5
- 6 21) Court Clerk John Medearis (then chief deputy clerk) (District Court
7 for the Eastern District of Tennessee)
- 8
- 9 22) Jaron Patterson, Univ. of Tennessee Police Dept. and FBI Cyber Task
10 Force Investigator
- 11
- 12 23) Knoxville County Sheriff Deputy Blaine -- Tennessee
- 13
- 14 24) Sean O'Malley, New York Federal Reserve Investigator, and the New
15 York Federal Reserve Bank -- New York
- 16
- 17 25) Stephen G. McGrath (Assigned by Court to be Randall-Keith:Beane's
18 trial "elbow counsel.")
- 19
- 20 26) Bobby Hutson, Jr. (Tennessee Public Defender appointed for Randall-
21 Keith:Beane by United States Magistrate Judge C. Clifford Shirley, Jr.)
- 22
- 23 27) Stephen Louis Braga, Univ. of Virginia, Appellate Litigation Clinic
24 (Unauthorized Appellant Brief filed by Mr. Braga for Randall Keith Beane)
- 25
- 26 28) Dennis G. Terez, Counsel for Appellant Heather Ann Tucci:Jarraf
- 27
- 28 29) Jeffrey Sutton, Circuit Judge, U.S. Court of Appeals for the Sixth Cir.
- 29
- 30 30) Deborah L. Cook, Senior Circuit Judge, U.S. Court of Appeals for the
31 Sixth Circuit
- 32
- 33 31) Amul Thaper, Circuit Judge, US Court of Appeals for the 6th Circuit
- 34 32) Jason Stone, Ridgeland, South Carolina Police Officer
- 35 33) Leah Spoone, Knoxville County Sheriff Arresting Officer

1 34) Sara Andersen, Affiant, Knoxville County Sheriff Arresting Officer

2 35) D.T. Harnett, FBI Task Force Office

3
4 36) Terry Wilshire, Captain, Knox County Sheriff's Office

5
6 37) John and Jane Doe

7 **III) Emolument Violations** (Article I, Sect. 8, Clause 14 – Rules for the
8 Government/the US Code – ICCPR Treaty – US and State Constitution):

9 **DEFINITION**

10 **EMOLUMENT.** The profit arising from office or employment; that which is
11 received as a compensation for services, or which is annexed to the possession of
12 office as salary, fees, and perquisites; advantage; gain, public or private. Webster.
13 Any perquisite, advantage, profit, or gain arising from the possession of an office.
14 (Black's Law Dictionary, 4th Edition, P. 616)

15
16 **EMOLUMENT.** The lawful gain or profit which arises from an office. (Bouvier's
17 Law Dictionary, Revised Sixth Edition, P. 687)

- 18
- 19 • United States Constitution – Due Process - Amendments IV, V, VI, and XIV
 - 20 • Tennessee Constitution – Article I – Declaration of Rights to include
21 sections 2, 7, 8, 9, 10, 15, 18 and 21. (Att. #73.1, #73.2, #73.3)
 - 22
 - 23 • International Covenant on Civil and Political Rights Treaty Article 1, Article
24 6, 7, 8, 9, 10,12, 14, 17 (Att. #35.1, #35.2, #35.3, #35.4)
 - 25 • 18 U.S. Code § 241. Conspiracy against rights (Att. #38)
 - 26 • 18 U.S. Code § 242. Deprivation of rights under color of law (Att. #39)
 - 27 • 18 U.S. Code § 1590. Trafficking with respect to peonage, slavery,
28 involuntary servitude, or forced labor (Att. #40)

- 1 • 39-14-405 -- Tennessee Criminal Trespass (Att. #50)
- 2 • 25 CFR § 11.411 - Criminal trespass (Att. #47)
- 3 • 39-13-101 – Tennessee Assault (Att. #48)
- 4 • 39-13-102 – Tennessee Aggravated Assault (Att. #49)
- 5 • Tennessee Code § 40-6-103. Probable cause and affidavit (Att. #52)
- 6 • Tennessee Code § 40-6-104. Examination of complainant (Att. #53)
- 7 • Tennessee Code § 40-6-201. "Warrant of arrest" defined
- 8 • Tennessee Code § 40-6-203. Examination of affiant
- 9 • Tennessee Code § 40-6-205. Issuance of warrant
- 10 • Tennessee Code § 40-6-208. Contents of warrant (Att. #54)
- 11 • Tennessee Code § 40-6-216. Copies of warrants (Att. #55)
- 12 • 18 U.S. Code § 1621. Perjury (Att. #42)
- 13 • 18 U.S. Code § 2382. Misprision of treason (Att. #43)
- 14 • 18 U.S. Code § 2234. Authority exceeded in executing warrant (Att. #12)
- 15 • 18 U.S. Code § 2236. Searches without warrant (Att. #13)
- 16 • 18 U.S. Code § 4. Misprision of felony (Att. #44)
- 17 • 18 U.S. Code § 371. Conspiracy to commit offense or to **defraud United**
- 18 **States** (Wrongful use of a governmental agency or instrumentality.) (Att.
- 19 #46)

- 1 • 22 U.S. Code § 7102. Definition--Abuse or Threatened Abuse of Law or
- 2 Legal Process and Coercion (Att. #22)
- 3 • Executive Order 13818 of December 20, 2017 - Blocking the Property of
- 4 Persons Involved in Serious Human Rights Abuse or Corruption

5 **IV) Summary of the Case**

6 On July 11, 2017, after completing a private business transaction at Buddy
7 Gregg RVs & Motor Homes in Knoxville, Tennessee, eight (8) or nine (9)
8 junkyard dogs dressed in suits (Trial transcript, Vol. V, P. 114, Line 4-6), who did
9 not identify themselves as FBI agents, physically assaulted and unlawfully arrested
10 Randall-Keith:Beane. Four of the eight or nine are named in this complaint. The
11 other names are unknown.

12 Let's start with the trial excerpt that shows how United States of America v.
13 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf started according to FBI
14 perpetrator and coconspirator Parker Still:

15 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still (FBI), Trial** 16 **Transcript Volume I, P. 48-51, Line 17-25, 1-25, 1-12, 8-25, 1-2**

17
18 Q So what actual information, when you were writing this affidavit, okay, for
19 the seizure of the vehicle –

20
21 A Right.

22
23 Q what actual information had you received that there was actually a possible
24 crime committed by Mr. Beane to believe that the RV wasn't his?

1 A The information primarily from what I've stated from USAA at the time.
2 That's what we were relying on, that information from USAA that is telling us that
3 their money has been stolen.

4
5 Q Was there a complaint filed so it's in writing or was this just a phone
6 conversation?

7
8 A No. So we got some -- we had some written information from USAA, and
9 then we -- I believe I was referencing back to my 302, again that -- the
10 memorandum, where I'm actually on the phone. We're conducting an interview
11 with Mr. Brown (True Brown of USAA Bank), at this time who you're referencing,
12 to get all that information, yes, ma'am.

13
14 Q Okay. So you found out about the funds approximately the 10th?

15
16 A Uh-huh.

17
18 Q And on the 11th, you didn't have any kind of written report from USAA,
19 just that someone had stolen their money.

20
21 A We had just some -- some basic facts that were provided to us by USAA
22 in a document, yes, ma'am.

23
24 Q In a document?

25
26 A Yes, ma'am.

27
28 Q And that document is what document?

29
30 A I believe.

31
32 Q On USAA letterhead or --

33
34 A I think it was attached to an e-mail from USAA. Again, and I followed up
35 with an interview.

36
37 Q Uh-huh. And what was this attachment?

38
39 A There was some notes I know, like I was describing, and then I think there
40 was some kind of maybe IP logs that showed a -- where, you know -- just IP logs.

1 Q And that is what you used to make a determination that a -- when you
2 were working on an affidavit for the warrant, because you have to basically have
3 an application of affidavit, an affidavit application for a warrant in order for
4 a warrant to be issued. Is that correct?

5
6 A You have -- yeah, well you have an affidavit that we swear to, you know,
7 facts, and then, yeah, it's -- yes, ma'am. You would then, I guess, you -- yeah,
8 there is an application, an affidavit, and then you ultimately get an order from the
9 court -- from the magistrate judge, yes, ma'am.

10
11 Like I said, we were working on the affidavit. It is not a finished product at this
12 time. We are working on it. We have credible, reliable information from one of
13 the, you know, a large financial -- United States financial institution that a theft has
14 occurred. And we are conducting an investigation accordingly and reacting
15 accordingly. Have no reason to doubt USAA's information that they provided
16 to us.

17
18 Q So at that point, you had determined that USAA Bank was the victim
19 before looking at any other information?

20
21 A I -- at that time, yes.

22
23 You just read perpetrator and conspirator Parker Still say that on July 11,
24 2017 (armed with USAA "HE SAID" basic facts) he snatched Randall-
25 Keith:Beane out of his life, kidnapped him, and stole the private property
26 motorhome without an arrest warrant and without a search and seizure warrant.
27 Perpetrator Still had no direct knowledge. He did not have a sworn complaint. He
28 did not investigate. He said he relied on what he was told by USAA Bank.

29 Perpetrator and conspirator Parker Still went on a crime spree that included
30 aggravated assault (Att. #34.5, #34.6, #34.7, #30.5) felony kidnapping (Att. #30.4,
31 #34.9, #34.10, #41), and deliberate misuse and abuse of power. (Att. #15, #12,

1 #22) US Attorney perpetrators Cynthia F. Davidson and Anne-Marie Svolto went
2 on the crime spree with their coconspirator joining malfeasant officials as
3 malfeasant prosecutors and malfeasant judges -- all of them defecating on the
4 United States and Tennessee Constitutions along their conspiracy plotting way
5 with total disregard for Mr. Beane's rights. (Att. #17, #18, Trial Transcript
6 Volume I, P. 57 Line 15-23)

7 Government agencies and instrumentalities are divisions of the federal
8 government that serve a specific public purpose. Those in positions of emolument
9 are there to perform a governmental function guided by the restrictions set forth in
10 the US code which describes their jurisdiction. FBI and DOJ perpetrators and
11 conspirators operated outside their jurisdiction – 18 U.S. Code § 3052 (FBI – Att.
12 #15), 28 U.S. Code § 547 (US Attorney – Att. #18), and 28 U.S. Code § 516 (DOJ
13 – Att. #17). They used their position of emolument to frame and falsely imprison
14 two innocent Americans under color of law in violation of 18 U.S. Code § 371, etc.
15 (Att. #46, #22, #38, #39, etc.)

16 Perpetrator and conspirator Parker Still made it clear he found out about the
17 “funds” on July 10, 2017 by way of an e-mail he received from USAA Bank
18 investigator and former FBI agent True Brown.

19 With “basic facts” provided by USAA Bank in an e-mail attachment in the
20 form of ‘notes and IP logs’ perpetrator and conspirator Parker Still says he was

1 able to determine Randall-Keith:Beane, whom he had never met nor interviewed,
2 had committed a crime.

3 The next day, July 11, 2017, Randall-Keith:Beane was completing a private
4 business transaction at Buddy Gregg RVs & Motor Homes in Knoxville,
5 Tennessee when he was ambushed by FBI special agent Parker Still, Esq., FBI
6 special agent Jimmy Durand, FBI special agent Jason Pack, FBI special agent
7 Joelle Vehec, FBI Task Force Office D.T. Harnett, and unknown Knoxville county
8 sheriff deputies. They didn't have a copy of a warrant. The warrant they verbally
9 alleged to exist was a South Carolina warrant disposed of two years earlier. They
10 didn't have a complaint or sworn affidavit. They had never met, interviewed, or
11 spoken to Randall-Keith:Beane, but they proceeded to unlawfully trespass on a
12 private motorhome without consent, dragged Mr. Beane out of the private
13 property, beat him up inflicting a bleeding cut on his head, twisted his arm, gave
14 him a black eye and a bruised body (Att. #34.6 and #34.7), pulled down his shorts
15 (Att. #34.8, #34.9) and made him stand handcuffed in the hot Tennessee summer
16 sun for 45 minutes to an hour (Trial transcript, Vol. V, P. 114, Line 7-15). They
17 bandaged Mr. Beane's head too tight (Att. #34.8) likely to ensure further
18 discomfort and pain. They eventually threw Randall-Keith:Beane in a jail cell and
19 left him there for 17 days without a warrant or probable cause hearing. Trial
20 excerpt:

1 **Heather-Ann:Tucci:Jarraf Cross-examination of perpetrator and**
2 **coconspirator Parker Still, Trial Testimony, Volume I, P. 53, Line 3-7):**

3
4 Q yes or no, was the first time that you met Randall on July 11th when
5 your teams passed him out of the vehicle? Was that the first time?

6
7 A **The first time we ever met Mr. Beane was on July 11th.**

8
9 FBI special agents arrested Randall-Keth:Beane on July 11, 2017 in
10 Tennessee using a South Carolina statewide traffic related bench warrant
11 that had been disposed of two-years earlier. (Att. #1.2 and #2.1). They
12 asked Knoxville county sheriff deputy perpetrators and coconspirators to
13 hold Mr. Beane like you might ask someone to hold a sack of potatoes for
14 you until you come back. But it wasn't a sack of potatoes. It was a man – a
15 live, breathing member of mankind with God given unalienable rights that
16 were trampled upon. The FBI perpetrators and coconspirators knew there
17 was no probable cause so they dared not go before a magistrate/judge. They
18 knew they did not have a valid warrant so they asked Knoxville county
19 sheriff to hold Mr. Beane while they presented a tale to the grand jury on
20 July 18, 2017 and created all the fictitious documents they needed to be able
21 to place Mr. Beane in the federal system.

22 Knoxville county sheriff had NOOOOOO reason to hold Mr. Beane in their
23 system so they had to make one up. They decided against being honest and telling
24 the FBI we're not holding him for you because we don't have a reason to and

1 clearly you don't either. They decided to use the statewide South Carolina traffic
2 related bench warrant that had been disposed of two years earlier (Att. #1.2 and
3 #2.1) to say "he's a fugitive from justice" and hold Mr. Beane while FBI and DOJ
4 perpetrators and conspirators scrambled to get their fraudulent indictment and
5 arrest warrant.

6 Knoxville County Sheriff knew the South Carolina traffic related bench
7 warrant was statewide and it had been disposed of two years earlier. They knew
8 this but they unlawfully and illegally continued to detain Mr. Beane.

9 Knoxville county sheriff's fake case against Randall-Keith:Beane went
10 through Tennessee's General Sessions Court where an honest judge, Magistrate
11 Rowe, tried to put the brakes on their chicanery. Magistrate Rowe issued a release
12 July 13, 2017 and the Knoxville county sheriff still did not release Randall-
13 Keith:Beane. Captain Terry Wilshire of the Knoxville county sheriff's department
14 testified as follows:

15 **Heather-Ann:Tucci:Jarraf Cross Examination of Terry Wilshire, Volume**
16 **VII, P. 23-24, Line 21-25; 1-25**

17
18 Q Okay. And, again, it shows two warrants, Warrant 1202006
19 with a star next to it. Correct?

20
21 A Correct.

22
23 Q Okay. And it also lists another Warrant 1202373. Correct?

24
25 A That is correct.
26

1 Q Okay. And it has a booking date next to each warrant. This one
2 shows July 12th for the booking date of warrant ending in 2006. Correct?

3
4 A Correct.

5
6 Q With a serve date of July 12th?

7
8 A Uh-huh.

9
10 Q And for the other warrant ending in 2373, it shows booking
11 date of 7/13/2017. Correct?

12
13 A Correct.

14
15 Q And it shows served date July 13th, 2017. Correct?

16
17 A That's correct.

18
19 Q Okay. And then below that, is the star with "**Per Magistrate**
20 **Rowe, will ROR.**" Correct?

21
22 A Correct.

23
24 Q Okay. And ROR?

25
26 A Means release on recognizance.

27
28 Q And it shows underneath that, "**Has emailed DA with**
29 **circumstances to have this instrument cancelled.**" Correct?

30
31 A That's correct.

32
33 Q Okay. And the actual date of this report was on July 13th,
34 2017. Correct?

35
36 A Correct.

37
38 Q At 23:41 hours?

39
40 A That's correct.

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Terry Wilshire, Volume**
2 **VII, P. 25, Line 3-5**

3
4 A That's a release issued from the courts.

5
6 Q This was issued on July 13th, 2017. Correct?

7
8 A Yes.

9
10 Perpetrator and conspirator Sheriff Deputy Leah Spooner unlawfully arrested
11 Mr. Beane July 12, 2017 while he was unlawfully in the custody of the sheriff at
12 the request of the FBI who had unlawfully arrested Mr. Beane the day before –
13 July 11, 2017. Perpetrator and conspirator Sheriff Deputy Sara Andersen
14 unlawfully arrested Mr. Beane a third time July 13, 2017 while he was still in the
15 custody of the sheriff being unlawfully held for the FBI. Even though **Tennessee**
16 **General Sessions Court Magistrate Rowe told them to release Randall-**
17 **Keith:Beane July 13, 2017** – they did not! Knoxville County Sheriff decided to
18 continue to hold Randall-Keith:Beane until the FBI could serve their detainer July
19 19, 2017 – **six days after** the magistrate ordered Mr. Beane's release. You see on
20 the 13th the FBI still did not have an indictment or a federal warrant. The grand
21 jury hearing was scheduled for the 18th so they had to wait until the 18th to get the
22 fraudulent indictment. The fictitious and fraudulent Tennessee district court arrest
23 warrant was not issued until the 19th. Knoxville County Sheriff unlawfully
24 detained Randall-Keith:Beane after the general sessions court ordered them to
25 release Mr. Beane. They continued to unlawfully detain Mr. Beane while the FBI

1 gathered their fraudulent documents so they could transfer Randall-Keith:Beane to
2 the federal system. Trial transcript:

3 **Cynthia F. Davidson Recross-Examination of Parker Still Trial Transcript,**
4 **Volume VII, P. 60, Line 8-24**

5
6 Q Just to make it clear, what's a detainer?

7
8 A A detainer is simply -- just basically lets another agency know there's
9 a federal warrant and not to release that individual, because that would just -- I
10 mean, **that would create extra work** and a risk to public safety, someone who
11 we've got a federal indictment for to be released. So we're just simply notifying
12 that agency that there's a federal warrant out there.

13
14 Q Okay. And specifically with Mr. Beane, **we had tons of testimony**
15 **that he was being held on the South Carolina warrant in -- by the Knox**
16 **County Jail.** Why did you send a detainer to the Knox County Jail?

17
18 (REMEMBER—the South Carolina warrant perpetrator and coconspirator Cynthia
19 F. Davidson referred to was disposed of two years earlier – July 17, 2015 – AND
20 SHE KNEW IT!)

21
22 A Simply because that's where he was located.

23
24 Q So he was held in state custody, and you were notifying them that
25 before they released him, he needed to be transferred to federal custody?

26
27 A Yes, ma'am.

28
29 Neither the FBI nor the Knox county sheriff had lawful authority to hold Mr.
30 Beane on a South Carolina statewide traffic related bench warrant that had been
31 disposed of two years earlier. FBI and Knox county sheriff deputy perpetrators
32 and conspirators kept Randall-Keith:Beane jailed unlawfully and illegally for

1 seventeen (17) days until they arrested him the 4th time – with a fraudulent district
2 court warrant issued in connection with a fraudulent indictment.

3 Randall-Keith:Beane was arrested four times and not one of them was with a
4 valid warrant:

5 1) The FBI arrested Randall-Keith:Beane at Buddy Gregg RVs & Motor
6 Home on July 11, 2017. They had no warrant or indictment or other
7 paperwork to legally and lawfully detain Mr. Beane so they asked
8 Knoxville county sheriff to detain Randall-Keith:Beane until they could
9 get the documents they needed to put Mr. Beane in the federal system.

10
11 2) The Knoxville county sheriff department used the South Carolina
12 statewide traffic related bench warrant disposed of two years earlier as
13 the predicate to arrest Mr. Beane July 12, 2017 (having already held him
14 for 24 hours unlawfully without a warrant) as a “fugitive from justice” in
15 order to put him in their system. They had to put Mr. Beane in their
16 system to continue to detain him for the FBI while the FBI gave
17 fraudulent testimony to a grand jury to secure a fraudulent federal
18 indictment and obtain a fraudulent arrest warrant.

19
20 3) Knoxville county sheriff’s dept. arrested Mr. Beane again July 13, 2017
21 because they made a typo in the July 12, 2017 arrest warrant. Trial
22 transcript:

23
24 **Heather-Ann:Tucci:Jarraf Cross Examination of Terry Wilshire, Volume**
25 **VII, P. 37, Line 8-13**

26
27 A Replaced. If not corrected, it was replaced. Replaced by
28 a new one, because it had a typo on the other one, the top one.

29
30 Q So it was replaced with the second warrant that's listed
31 there?

32
33 A Correct.

34
35 July 13th is the day the General Sessions Court magistrate judge told the sheriff to
36 release Mr. Beane. The magistrate judge also sent a note to the DA to cancel the

1 instrument. The magistrate judge clearly saw the fraud in what the perpetrators
2 and coconspirators were doing.

3
4 4) On July 27, 2017 (17 days later) the FBI finally got around to arresting
5 Mr. Beane at the Knoxville county jail with a United States District Court
6 fraudulent fictitious signed arrest warrant issued July 19th. The sheriff
7 held Mr. Beane from July 11th through July 27th (17 Days) without a valid
8 warrant. The US district court took over the fraud on the 27th.

9
10 The first three arrests were based on the South Carolina statewide
11 misdemeanor traffic related bench warrant that had been disposed of two years
12 earlier. The fourth (4th) time they arrested Randall-Keth:Beane it was based on a
13 fraudulent fictitious signed Tennessee district court warrant that was issued based
14 on a fraudulent indictment in which perpetrator and conspirator Parker Still and the
15 FBI did not have jurisdiction to initiate the case. Perpetrator and conspirator
16 Parker Still was the one and only witness – to what you ask? He said he saw with
17 his own eyes a man sitting behind the wheel of a private property motorhome with
18 the engine and air conditioning running on a hot summer Tennessee day.

19 They did all this to Randall-Keth:Beane using a South Carolina statewide
20 (not national or international) misdemeanor traffic related bench warrant that had
21 been disposed of two years earlier.

22 Mr. Beane had the Right to be presumed innocent, suffering no detention or
23 arrest and no search or seizure without reasonable cause. He was entitled to a
24 presumption of innocence but the perpetrators decided he was guilty long before
25 they arrested him. This is because he was targeted. It wasn't about justice or the

1 rule of law. It was about someone getting their rabid paws on \$31,000,494.97.

2 (Att. #31.3)

3 The FBI did not have a sworn complaint, first-hand account, or jurisdiction
4 to testify before a grand jury about Mr. Beane's private business transaction.

5 **Parker Still Grand Jury Testimony, P. 21, Line 3-5**

6 "He (Randall-Keith:Beane) was arrested. Just to clarify, **he was arrested by**
7 **us (FBI) on – he had an outstanding warrant on a state charge.**" (Att. #29.3)

8
9 Please note perpetrator and conspirator Parker Still does not identify which
10 state he's referring to leaving it up to the grand jury to presume he was referring to
11 Tennessee when he said "state charge." He intentionally misled the grand jury into
12 thinking he was referring to an outstanding Tennessee warrant. The state warrant
13 perpetrator and conspirator Parker Still referred to was a South Carolina statewide
14 misdemeanor traffic related bench warrant that had been disposed of two years
15 earlier. There was NO OUTSTANDING WARRANT and NO FBI
16 JURISDICTION.

17 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation) states a
18 **FBI agent has the authority to serve warrants issued under the authority of**
19 **the United States**. It says nothing about digging up an old South Carolina state
20 traffic related warrant. Perpetrator and conspirator Parker Still said under oath the
21 FBI arrested Mr. Beane using "an outstanding warrant on a state charge." (Att.
22 #29.3 and #31.6) It was not outstanding, active, or in Tennessee.

1 On/about July 18, 2017, knowing the FBI did not have jurisdiction,
2 perpetrator and conspirator Parker Still, who had beat up Randall-Keith:Beane
3 seven days earlier, sashayed down to the grand jury to testify and bear false
4 witness against the man whom he had never met nor interviewed and whom he had
5 participated in the aggravated assault. Perpetrator and conspirator Parker Still was
6 the ONE-AND-ONLY witness to testify before the grand jury. Randall-
7 Keith:Beane and Heather-Ann:Tucci:Jarraf were indicted that day.

8 On/about July 19, 2017 the United States District Court for the Eastern
9 District of Tennessee issued **fraudulent warrants** to arrest Randall-Keith:Beane
10 and Heather-Ann:Tucci:Jarraf. The warrants were supposed to be signed by the
11 clerk – they weren’t. The warrants appear to have been signed with a fictitious
12 name -- “A. Brush.” They were signed with “deputy clerk” title. 18a U.S. Code
13 Rule 9 (Arrest Warrant on an Indictment) requires the clerk to sign the arrest
14 warrant. (Att. #10)

15 There was no probable cause hearing and Randall-Keith:Beane was not
16 given a detention hearing. Under threat and duress, on/about July 27, 2017,
17 Randall-Keith:Beane was forced to sign a “waiver of detention hearing” approved
18 by perpetrator and conspirator magistrate judge C. Clifford Shirley.

1 On/about August 29, 2017 Randall-Keith:Beane had his public defender
2 (Bobby Hutson) raise the issue of the detention hearing and it fell on deaf ears:
3 Hearing transcript:

4 “MR. HUTSON: I understand, Your Honor. He is also potentially going to
5 want to request some type of detention hearing or update. **THE COURT:** We can't
6 get started, **we can't get to that.**” (P. 9, Line 11-14, August 29, 2017 C. Clifford
7 Shirley, Jr. hearing to remove Bobby Hutson, Jr. [Public Defender] appointed by
8 C. Clifford Shirley, Jr., Document. 40, 34 pages – Att. #61.2)

9 Perpetrators and conspirators Thomas A Varlan and C. Clifford Shirley
10 know subject matter jurisdiction cannot be waived and personal jurisdiction cannot
11 be gained by kidnapping. Because the FBI did not have jurisdiction, legal or
12 lawful authority, to snatch Randall-Keith:Beane out of his life and throw him in a
13 jail cell, the district court certainly did not have jurisdiction to proceed.

14 With no valid arrest warrant and no consent it is, indeed, **KIDNAPPING!**
15 (Att. #41) They kidnapped Randall-Keith:Beane using a disposed of South
16 Carolina statewide misdemeanor traffic related bench warrant. They snatched
17 Heather-Ann:Tucci:Jarraf out of her life by kidnapping her with an invalid
18 **fraudulent fictitious signed arrest warrant** issued by the United States District
19 Court for the Eastern District of Tennessee.

20 In legal prosecution all legal requisites must be complied with to confer
21 jurisdiction on the court in criminal matters. They didn't have a valid warrant.
22 They never held a probable cause hearing for Randall-Keith:Beane. And they

1 forced Randall-Keith Beane to sign a detention hearing waiver. At that stage how
2 did perpetrators and conspirators United States district judge Thomas A. Varlan
3 and United States magistrate judge C. Clifford Shirley determine the courts
4 authority to proceed and adjudicate the matter? They knew they didn't have
5 jurisdiction to proceed but that didn't matter because this case was not about
6 justice or the rule of law. It was a prosecution intended to human traffic and
7 imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. Randall-
8 Keith:Beane and Heather-Ann:Tucci:Jarraf had to be moved out of the way to hide
9 the theft of \$31,000,494.97 stolen from Randall-Keith:Beane.

10 During the trial DOJ perpetrators and conspirators pushed the lie about
11 Randall-Keith:Beane's social security account number being altered. The color of
12 law codes charged 18 USC §1343 (Fraud by wire, radio, or television), §1344
13 (Bank fraud), §1956 (Laundering of monetary instruments), and §1957 (Engaging
14 in monetary transactions in property derived from specified unlawful activity) are
15 ALL based on the obvious lie the prosecutors told that Randall-Keith:Beane used
16 his social security account number with one digit altered.

17 It is a fairly ridiculous argument to say Randall-Keith:Beane changed his
18 social security account number by one digit to make the transaction go through and
19 not explain how Randall-Keith:Beane would know to change the 3rd digit by
20 moving it up one digit. The first three digits of Randall Keith Beane's social

1 security account number are 243. They said he changed it to 244 to get the
2 transaction to go through. How would Randall-Keith:Beane have known to do
3 that? You don't get endless attempts to guess the correct account number in a
4 banking transaction. They didn't accuse Randall-Keith:Beane of computer
5 hacking so how would he have known to change his social security account
6 number by moving the third digit up one digit – from 243 to 244? This is among
7 the intentional and deliberate lies the perpetrators and conspirators stated to
8 mislead the grand jury and trial jury.

9 One of the grand jurors knew it was a false and ridiculous accusation.

10 GRAND JURY transcript:

11 **A JUROR:** I really have a problem trying to wrap around the idea that a
12 fine institution that handles money all day long can accept somebody doing this.
13 And without batting an eye and open a CD for, what was the first one, 500,000 in
14 money? That they don't have any proof that there's 500,000 to cover CD, and then
15 it goes on to the 999,000. (Grand Jury Transcript, P. 57, Line 16-21)

16 If I go and use my debit card before I get back home it's already taken out of
17 my account, you know what I'm saying? I can check my bank online and it's
18 already gone. How does an electronic wiring fraud happen when I can't do it on a
19 \$20 Food City grocery bill. I mean, they know before I leave that aisle that I've
20 got \$20 in there to cover that bill. How does that happen? **I mean, how--** (Grand
21 Jury Transcript, P. 57-58, Line 22-25; 1-5)

22 Perpetrator and coconspirator Cynthia F. Davidson shut-down the grand
23 juror. Her role was to get that indictment so they could proceed to prosecution.

24 **MS. DAVIDSON:** I don't know if that's a proper question for the
25 consideration of the Grand Jury. I mean, the fact of the matter, we showed you
26 evidence that it did happen in this case. (Grand Jury Transcript, P. 58, Line 6-9)

1 The grand juror knew the accusation that Mr. Beane altered his social
2 security account number by one digit was nonsensical. It was likely hard for the
3 grand juror(s) to imagine the US Attorney prosecutors and FBI witness would lie
4 to them so even though the prosecutor's cockamamie story didn't add up they went
5 with it.

6 The grand juror's job is to question and investigate. Perpetrator and
7 conspirator Cynthia F. Davidson didn't appreciate the grand juror asking questions
8 so she bullied the grand juror into shutting up and it clearly worked.

9 Without the absurd accusation that Mr. Beane changed one digit in his social
10 security account number §§1343, 1344, 1956, and 1957 all go down the tubes.
11 Their fraud and money laundering charge was completely dependent upon their
12 allegation Mr. Beane changed one digit in his social security account number.

13 To further elaborate on this piece of the conspiracy, thousands of other
14 Americans accessed their treasury direct depository account during this same time
15 frame. Did they all change their social security account number by one digit? Of
16 course not – they used their social security account number to access their treasury
17 direct depository account.

18 On July 11, 2017 perpetrator and conspirator True Brown (USAA Bank
19 Investigator) sent an email (the day of the unlawful arrest of Randall-Keith:Beane)
20 in which he both acknowledged the account number is the same as the social

1 security number while at the same time pushing the lie that Randall-Keith:Beane
2 entered his social security account number "with one digit altered." (Att. #62.2)
3 The email below shows USAA Bank executive management involvement.

4 **From:** Brown, True [mailto:True.Brown@usaa.com]
5 **Sent:** Wednesday, July 12, 2017 9:10 AM
6 **To:** Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
7 **Subject:** Information request on arrest and RV

8 Parker

9 Now that the smoke has cleared a little; are you in a position to advise: 1. what charges Randall
10 Beane was arrested/detained on

11 2. Do you have any info on the RV such as the VIN (trying to get a pic for
12 my management) - if I have VIN I can go to dealer website

13 3. Do you anticipate charging Beane on complaint

14 Again, thank you again for jumping on this matter. **The quick actions taken has really impressed**
15 **USAA Executive Management team**. Makes me proud of the organization.

16 Let me know what additional information you need and we will pull it.

17 True
18

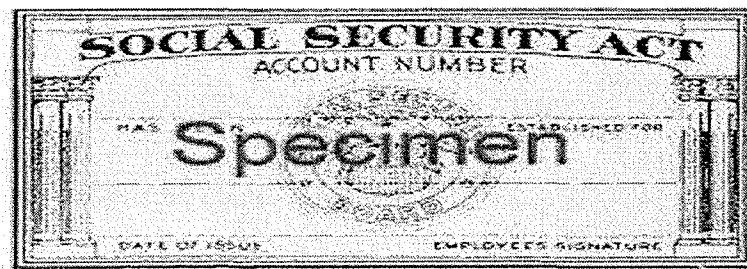
19 (Att. #63)

20 Lying to falsely imprison an innocent man is impressive to USAA Bank
21 executive management team? USAA did not file a sworn complaint or affidavit
22 against Randall-Keith:Beane. Why would they want Randall-Keith:Beane
23 arrested? The only thing to happen as of the July 12th email was Randall-
24 Keith:Beane was arrested the day before, July 11, 2017. Why is USAA executive
25 management team impressed by that? They seemed anxious to have their

1 member imprisoned and out of the way. Why? Does it have anything to do with
2 the \$31,000,494.97 taken from Mr. Beane's USAA account? We think so.

3 USAA executive team knows they lied about Randall-Keith:Beane using his
4 social security account number altered by one digit. Perpetrator and conspirator
5 True Brown and USAA Bank executive team know the lie they pushed was for the
6 purpose of creating a crime where there was none. USAA Bank also knows they
7 used the court system and legal process (forfeiture), with the help of their
8 coconspirators, to steal private property (The Randall-Keith:Beane Factualized
9 Trust Motorhome) based on their lie that the social security account number was
10 altered by one digit – knowing they had no legal or lawful claim to said property.

11 The perpetrators and conspirators painted the picture for the grand jury and
12 trial jury that the social security number was something different than the account
13 number. There is little doubt the perpetrators and conspirators knew that to access
14 one's treasury direct depository account you must use your name, Federal Reserve
15 routing number, and your social security account number. The words "account
16 number" have been removed from the newer cards but here's what the original
17 social security account number card looked like:



1 It said “account number” on it because that is what it is – an account. For
2 the purpose of accessing one’s treasury direct depository account the social
3 security account number IS the account number. The perpetrators’ lie that Mr.
4 Beane’s social security account number just happened (by coincidence) to be one
5 digit off from the account number needed to access his treasury direct depository
6 account is beyond ridiculous and dishonest.

7 We understand the True Brown email exculpatory evidence was delivered to
8 Heather-Ann:Tucci:Jarraf **after the trial was over**. It was never delivered to
9 Randall-Keith:Beane. So much for Brady v. Maryland which states material
10 information favorable to the defense in the possession of the prosecution, material
11 to the defendant’s case, must be disclosed to the defense. The fact that the email
12 reveals USAA Bank put in writing the lie about Mr. Beane altering his social
13 security account number by one digit was a material fact.

14 And there’s also the Rules of Professional Conduct, Tennessee Rule 3.8 (d)
15 – Special Responsibilities of a Prosecutor – which says: “shall make timely
16 disclosure to the defense of all evidence or information known to the prosecutor
17 that tends to negate the guilt of the accused.

18 Clearly perpetrators and conspirators Cynthia F. Davidson and Anne-Marie
19 Svolto violated Rule 3.8(d). They did not act as ministers of justice. They acted
20 like coconspirators involved in a sinister plot to illegally and unlawfully kidnap

1 and imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. This was not a
2 case about justice or the rule of law. There were no rules or law. There was a goal
3 – make false statements and representations to the grand jury and trial jury of
4 material facts to secure an indictment, conviction and imprisonment.

5 The perpetrators and coconspirators made up the crime and they made up the
6 arrest warrants. They made false allegations against Randall-Keith:Beane and
7 Heather-Anne:Tucci:Jarraf. They used the legal system as a weapon to destroy
8 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

9 Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie
10 Svolto did not use the word felony other than on their criminal case cover sheet.

11 .
12 **CRIMINAL CASE COVER SHEET** **U.S. ATTORNEY'S OFFICE**

13 Defendant Name: RANDALL KEITH BEANE

14 Place of Offense (City & County): Knoxville & Knox

Juvenile: Yes ___ No X Matter to be Sealed: Yes ___ No X

15 Interpreter: No X Yes ___ Language: _____

Total # of Counts: ___ Petty ___ Misdemeanor (Class ___) 7 Felony

	ORIGINAL INDICTMENT U.S.C. Citation(s) and Description of Offense Charged	Count(s)
Set 1	18 U.S.C. § 1343 – Wire Fraud	1 – 5
Set 2	18 U.S.C. § 1344 – Bank Fraud	6
Set 3	18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering	7

CRIMINAL CASE COVER SHEET **U.S. ATTORNEY'S OFFICE**

Defendant Name: HEAHTER ANN TUCCI-JARRAF

Place of Offense (City & County): Knoxville & Knox

Juvenile: Yes ☐ No ☒ Matter to be Sealed: Yes ☐ No ☒

Interpreter: No ☒ Yes ☐ Language:

Total # of Counts: Petty ☐ Misdemeanor (Class) 1 Felony

ORIGINAL INDICTMENT		Count(s)
U.S.C. Citation(s) and Description of Offense Charged		
Set 1	18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering	7

Look real good because this is the only time you'll see the word felony. The word felony and felonious is not used in the indictment. (Att. #37, #71.1 to #71.8) Felony and felonious is not used in the arrest warrants. (Att. #3 and #4) Reference to felony and felonious conduct is not in the grand jury transcript. Felony and felonious is not in the trial transcripts. US Attorney perpetrators and conspirators say they charged Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf with committing felonies and yet felonious conduct is not referred to in the indictment or warrants. It's not mentioned because there was no felonious conduct. There was no injured party. For a crime to exist there must be an injured party. Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf did not commit a crime. The US Attorney perpetrators knew a felony was not committed by Randall-Keth:Beane or Heather-Ann:Tucci:Jarraf and that's why they did not use the word.

DEFINITION

1 “FELONIOUSLY, pleadings. This is a technical word which **must be**
2 **introduced into every indictment for a felony, charging the offence to have**
3 **been committed feloniously**; no other word, nor any circumlocution, will supply
4 its place. (BOUVIER -- A Law Dictionary Adapted to the Constitution and Laws
5 of The United States of America Union by John Bouvier, Revised Sixth Edition,
6 1856, Pg. 764) (Att. #37)

7
8 US Attorney perpetrators and coconspirators Nancy Stallard Harr, Cynthia
9 F. Davidson, and Anne-Marie Svolto used the word “offense” in the indictment
10 (Indictment P. 6, ¶ 19, P. 7, ¶ 21 & ¶ 22) because there was no felonious conduct.

11 Without felonious conduct an offense is a non-indictable TORT! (“offense or
12 fault” has the same meaning as “tort.” – Black’s Law Dictionary - Att. #9.3,
13 Bouvier’s Law Dictionary – Att. #69, #70) What is a tort?

14 **The Essential Law Dictionary, First Edition 2008, P. 500**

15
16 **TORT** - A private injury or wrong; a violation of a socially recognized
17 duty owed to a plaintiff that results in injury to the plaintiff; torts can be caused
18 intentionally, through negligence, or under strict liability.

19 **Black’s Law Dictionary, 4th Edition, P. 1660**

20
21 **TORT** - A private or civil wrong or injury. A wrong independent of
22 contract. A violation of a duty imposed by general law or otherwise upon all
23 persons occupying the relation to each other which is involved in a given
24 transaction. There must always be a violation of some duty owing to plaintiff, and
25 generally such duty must arise by operation of law and not by mere agreement of
26 the parties. Diver v. Miller, Del.Super., 148 A. 291, 293.

27
28 Three elements of every tort action are: Existence of legal duty from defendant to
29 plaintiff, breach of duty, and damage as proximate result. City of Mobile v.
30 McClure, 221 Ala. 51, 127 So. 832, 835.

31
32 A legal wrong committed upon the person or property independent of contract. It
33 may be either (1) a direct invasion of some legal right of the individual; (2) the in-
34 fraction of some public duty by which special damage accrues to the individual; (3)

1 the violation of some private obligation by which like damage accrues to the
2 individual. In the former case, no special damage is necessary to entitle
3 the party to recover. In the two latter cases, such damage is necessary. A violation
4 of a right in rem which plaintiff has as against all persons with whom he comes in
5 contact or the violation of a right which is created by law and not by any act of
6 parties. Mitchell v. Health Culture Co., 349 Mo. 475, 162 S.W.2d 233, 237.

7
8 It didn't go unnoticed that in the grand jury hearing perpetrator and
9 conspirator Cynthia F. Davidson presented five (5) counts to the grand jury for
10 review and consideration. The five counts included bank wire, bank fraud, and
11 money laundering. And yet the jury foreperson signed an indictment that same day
12 with seven (7) counts. Perhaps the two discussed padding the indictment with two
13 additional counts at the water cooler? Or did the grand jury foreperson just sign
14 the indictment without reading it? The fact is five counts were presented to the
15 grand jury -- not seven. There was "evidence" and "witness" testimony for five
16 counts. There was no "evidence" or "witness" testimony presented for the two
17 additional counts. If a prosecutor can just add counts without presenting evidence
18 or testimony then what is the grand jury for? A prosecutor's rubber stamp?

19 Perpetrator and coconspirator Parker Still testified the following to the grand
20 jury:

21 **Parker Still Grand Jury Testimony, P. 45-46, Line 25; 1-6**

22 Q (By Ms. Davidson) And let's, you know, be clear. Not only have
23 you reviewed these records, but, you know, the USAA fraud investigator has
24 reviewed these extensively and relayed all the information that you've previously
25 testified about?

1 A Right. I rely on it --

2 “I rely on it” means he did no independent investigation. Why no
3 investigation? Lazy? Or was it because Randall-Keith:Beane and Heather-
4 Ann:Tucci:Jarraf were targeted? It was not a rule of law prosecution so an
5 investigation was not necessary. It wasn’t even an investigation in search of a
6 crime. They fabricated the crime. They had a target and a goal of imprisonment.
7 You don’t need to investigate when you’ve manufactured the crime.

8 Perpetrator and conspirator Cynthia F. Davidson essentially admits to no
9 investigation to the grand jury:

10 **MS. DAVIDSON:** “...it takes us usually months to investigate these
11 things.” (Grand Jury Transcript, P. 59, Line 22-23)

12 It didn’t take months to investigate this case because they were not searching
13 for truth and facts. It was a manufactured fraud and money laundering case.

14 It’s clear nobody is reviewing what FBI agents, US Attorney prosecutors,
15 district court judges, and appellate judges are up to. Had there been a pre-trial case
16 file audit the disposed of South Carolina arrest warrant and fraudulent Tennessee
17 district court arrest warrants would have been caught. Had there been a post-
18 conviction case file audit the conspiracy and crimes committed by what appears to
19 be a crime syndicate would have been caught.

20 The appellate court – well – that was just corruption. In their opinion they
21 talked about perpetrator and conspirator Parker Still’s false allegation Heather-

1 Ann:Tucci:Jarraf was “planning military operations” to break Randall-Keith:Beane
2 out of jail. Perpetrator and conspirator Parker Still did not offer even a scintilla of
3 evidence that Mrs. Tucci:Jarraf actually said that she planned military operations to
4 break Randall-Keith:Beane out of jail. Perpetrator and conspirator Parker Still just
5 made it up and his coconspirators went with it. They didn’t need evidence. This
6 was not a rule of law prosecution.

7 The appellate court talked about when Randall-Keith:Beane went to bed and
8 when he woke. And they quoted Randall-Keith:Beane and Heather-

9 Ann:Tucci:Jarraf as saying, “I am source of all that is.” So we know the three
10 judges read the file. But a panel of three judges couldn’t bother to review the
11 following facts:

- 12 • The perpetrators and coconspirators used a disposed of statewide (not
13 national or international) South Carolina misdemeanor traffic related bench
14 warrant to attack and arrest Randall-Keith:Beane on July 11, 2017. (Att. #1.2
15 and #2.1)
- 16 • The Tennessee Eastern District Court created fraudulent arrest warrants.
17 (Att. #3, #4, and #10)
- 18 • The FBI lacked jurisdiction in Mr. Beane’s private business transaction.
19 (Att. #15, #16.1, #16.2)
- 20 • Plaintiff United States of America lacked standing. (Att. #25)

- 1 • Plaintiff United States of America is a Delaware corporation. (Att. #67,
2 #68)
- 3 • They did not have a probable cause hearing.
- 4 • Randall-Keith:Beane was forced under threat to waive the detention hearing
5 in violation of due process.
- 6 • The district court lacked subject-matter and personal jurisdiction. (Att. #6,
7 #5, #7, #8, #9.2)
- 8 • The district court was not in compliance with Article III – judicial power.
9 (Att. #27)
- 10 • The district court was not in compliance with court of record requirements -
11 28 U.S. Code § 132. (Att. #8, #9.2)

12 Three appeals court judges and not one of them noticed any of the above-
13 mentioned problems with this case?

14 The Sixth Circuit in one breath said “...whether lawyers or not, have a right
15 to represent themselves” (United States Court of Appeals for the Sixth Circuit
16 Opinion, P. 5, paragraph 4), and in the next breath denied that right. They
17 appointed two traitor attorneys who bashed their own “clients”. They severely
18 criticized Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf when they should
19 have built a strong appeal to have them released. But that’s not what they were

1 hired to do, was it? They had a role to play in the conspiracy and they played it
2 well. All of it part of the plot and conspiracy.

3 The perpetrators and conspirators abruptly snatched Randall-Keith:Beane
4 and Heather-Ann:Tucci:Jarraf out of their lives. They stole the last 3+ years of
5 Randall-Keith:Beane and Heather-Ann:Tucci: Jarraf's life and they must be
6 prosecuted and punished to the fullest extent of the law for their participation in the
7 crimes committed against Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. It
8 was all done knowingly, intentionally, and deliberately with reckless disregard for
9 the law and Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf's rights. Young
10 children were separated from their mother, and a man separated from his wife,
11 without justification.

12 We are asking that you investigate the crimes we allege have been
13 committed and each of the perpetrators/conspirators' role in the conspiracy and
14 false imprisonment of Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

15 Randall-Keith Beane and Heather-Ann:Tucci:Jarraf have not experienced
16 freedom and liberty since July 2017 all based on a fabricated fraud and money
17 laundering offense.

18 **V) The Conspiracy Plot**

19 It was a case in which the FBI and DOJ invented a crime they could charge
20 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to cover up the theft of

1 \$31,000,494.97 from Mr. Beane's USAA bank account. They set about to change
2 the meaning of words like "money laundering," "affect interstate commerce," and
3 "fraud" to mislead a grand jury and trial jury into indicting and convicting Randall-
4 Keith:Beane and Heather-Ann:Tucci:Jarraf based upon their made-up definition of
5 these key words. They had others join in the conspiracy like judges, clerk, etc.

6 The perpetrators and conspirators did not run or participate in a court of law
7 or justice. It was not an Article III court. It was not a court of record. It was a
8 kangaroo trafficking court designed to steal the freedom and liberty of Randall-
9 Keith:Beane and Heather-Ann:Tucci:Jarraf to silence them.

10 When the perpetrators and conspirators viciously inserted themselves into
11 Mr. Beane's private business transaction it was clearly a moonlighting job at the
12 behest of someone other than the leadership at the FBI and DOJ, right? They
13 certainly were not working in the interest of the American people. Who hired them
14 to attack Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf? We don't know but
15 we suspect they were working for either the New York Federal Reserve Bank,
16 USAA Bank, or both.

17 The perpetrators and conspirators set about on a devious, evil, sinister,
18 vindictive plot and scheme to knowingly, intentionally, and deliberately create a
19 fake felony case, complete with fraudulent arrest warrants, so that they could
20 kidnap, human traffic, and falsely imprison Randall-Keth:Beane, and Heather-

1 Ann:Tucci:Jarraf with the power and authority of the state. The perpetrators and
2 conspirators showed contempt for the court and total and complete disregard for
3 the legal process. They engaged in fraud, abuse, and corruption perpetrated under
4 the guise of justice.

5 The visible part of the plot and conspiracy kicked into gear on July 11, 2017
6 when the FBI decided to arrest Mr. Beane, without jurisdiction, using a South
7 Carolina statewide misdemeanor traffic related bench warrant that was disposed of
8 two years earlier, July 17, 2015, as the predicate for the arrest. (Att. #1.2 and #2.1)

9 **VI) Disposed of South Carolina Statewide Misdemeanor Traffic Related**
10 **Bench Warrant Used As Predicate for July 11, 2017 Arrest and**
11 **Aggravated Assault of Mr. Beane** (Attachment #1.2, #2.1, #12, #13)

12 Mr. Beane was exercising his right to travel in the ordinary course of his life
13 and business. On or about October 13, 2014 Randall-Keth:Beane was travelling
14 when Ridgeland South Carolina police officer, Jason Stone, pulled him over.
15 Perpetrator Jason Stone stopped Mr. Beane because he did not have South Carolina
16 state tags. He had American National tags.

17 Constitutional Amendment XIII says – “...nor involuntary servitude...”

18 The US Corporation worded it this way so that they could then get Americans to
19 volunteer servitude through the driver’s license trickery and deceit. However, Mr.
20 Beane did not submit to voluntary servitude. The fundamental right to locomotion
21 or to travel is NOT a privilege, it is a gift granted by the Maker, and restated by the

1 founding fathers as unalienable. (Att. #58.2) It cannot be taken by any
2 man/government made color of law (codes and statutes).

3 "Personal liberty largely consists of the Right of locomotion -- to go where
4 and when one pleases -- only so far restrained as the Rights of others may make it
5 necessary for the welfare of all other citizens. The Right of the Citizen to travel
6 upon the public highways and to transport his property thereon, by horse drawn
7 carriage, wagon, or automobile, is not a mere privilege which may be permitted or
8 prohibited at will, but the common Right which he has under his Right to life,
9 liberty, and the pursuit of happiness. Under this Constitutional guarantee one may,
10 therefore, under normal conditions, travel at his inclination along the public
11 highways or in public places, and while conducting himself in an orderly and
12 decent manner, neither interfering with nor disturbing another's Rights, he will be
13 protected, not only in his person, but in his safe conduct." II Am.Jur. (1st)
14 Constitutional Law, Sect.329, p.1135.

15 "Personal liberty -- consists of the power of locomotion, of changing
16 situations, of removing one's person to whatever place one's inclination may direct,
17 without imprisonment or restraint unless by due process of law." 1 Blackstone's
18 Commentary 134; Hare, Constitution___.777; Bouvier's Law Dictionary, 1914 ed.,
19 Black's Law Dictionary, 5th ed.

20 Privately owned cars, vans, trucks, and buses not engaged in commerce or

1 for hire transportation are outside the jurisdiction of motor vehicle enforcement.
2 Perpetrator Jason Stone could have written a ticket based on South Carolina color
3 of law code and Mr. Beane could have gone through the normal process to
4 challenge it. An honest cop would have done just that. Instead, perpetrator Jason
5 Stone decided to use his position of trust to teach Mr. Beane a lesson. He called
6 approximately 10 of his comrades and they decided to turn an unlawful traffic stop
7 into aggravated assault, an unlawful arrest, and false imprisonment.

8 Once the gang was all there they beat up Mr. Beane. They tased Mr. Beane.
9 They tried to get Mr. Beane to say he is a "sovereign citizen." Why? What is a
10 sovereign citizen?

11 1) It is an oxymoron used mostly by dishonest judges, law enforcement, and
12 attorneys-at-law (BAR attorneys) to attack Americans as terrorists.

13 **Definition of oxymoron** - a combination of contradictory or incongruous words
14 (such as *cruel kindness*) ([https://www.merriam-](https://www.merriam-webster.com/dictionary/oxymoron)
15 [webster.com/dictionary/oxymoron](https://www.merriam-webster.com/dictionary/oxymoron))

16 2) **Sovereign citizen** is a term used to refer to a political movement which
17 grew out of a belief in government abuses of power. Members often refuse to hold
18 social security cards or driver's licenses and avoid using zip codes. Sovereign
19 citizens believe that U.S. citizens are either "Fourteenth Amendment citizens"
20 (who are subject to the federal and state laws and taxes) or "sovereign citizens",

1 who are subject only to common law or "constitutional law" (or both), but are not
2 bound to obey statutory law. No court has ever upheld these claims. Sovereign
3 citizens may also be referred to as "freemen" or "common law citizens".
4 (<https://definitions.uslegal.com/s/sovereign-citizen/>)

5 What is objectionable or offensive in the uslegal.com definition of sovereign
6 citizen? There is nothing illegal, unlawful, or a show of disloyalty to the country
7 in the uslegal.com definition of "sovereign citizen." Americans have a Patriotic
8 Duty to speak up if they believe the government has run afoul of the law.

9 Perpetrators and coconspirators know that Mr. Beane and Mrs. Tucci-Jarraf
10 have never referred to themselves as sovereign citizens. They understand it is an
11 oxymoron.

12 When some Americans refer to themselves as a sovereign citizen they are
13 referring to the rights of the people. Their thinking is based on the Tennessee
14 Constitution, Declaration of Rights, Article 1 - **Section 1** (Att. #73.1) which says
15 "That all power is inherent in the people, and all free governments are founded on
16 their authority, and instituted for their peace, safety, and happiness;" or Section 2
17 of the Virginia Declaration of Rights which says "**That all power is vested in, and**
18 **consequently derived from, the people; that magistrates are their trustees and**
19 **servants and at all times amenable to them.**" They are saying that those in
20 positions of emolument, in their capacity, are "agents" or "servants" of the people.

1 They have authority given by the people and are the ones subject to the codes and
2 statutes. In performing duties and functions they are to conform to fundamental
3 law, rights, and common law concepts such as due process and the other things
4 prescribed in the Constitution.

5 The Constitution was ordained and established by the people for the
6 government. It is a contract between the people and the government, The
7 government was created by the people. The people are over the government—not
8 the other way around. God is over man. Man is over government. The people’s
9 sovereignty comes from the Creator. This is what Americans who call themselves
10 “sovereign citizens” mean and the deceitful and dishonest perpetrators and
11 conspirators know it.

12 Traitors within the people’s government have bastardized the word
13 sovereign for the purpose of attacking the American people. In their despicable,
14 treasonous, traitor stupidity they coined the term “sovereign citizen,” spread it to
15 the trusting people and then turned on the people by defining “sovereign citizen” as
16 a terrorist. They continue to use the oxymoron to disparage and attack those they
17 target. The “sovereign citizen” attack was used in the South Carolina traffic case
18 by the corrupt officers that unlawfully detained Mr. Beane, and in United States of
19 America v. Randall Keith Beane and Heather Ann Tucci Jarraf by the corrupt US
20 Attorneys and magistrate judge.

1 Freedom to travel is, indeed, an important aspect of an American's liberty.
2 The right to travel is a part of the "liberty" of which Americans cannot be deprived
3 without due process of law. Among the corrupt and unpatriotic there is a belief the
4 American people have no rights and this is why they deprive rights in violation of
5 18 U.S. Code § 241 – conspiracy against rights and 18 U.S. Code § 242 -
6 deprivation of rights under color of law (Att. #38 and #39).

7 Perpetrator Jason Stone did not have a warrant to arrest Randall-
8 Keith:Beane. The Supreme Court of Wisconsin said that "it is a serious thing to
9 arrest a citizen, and it is a more serious thing to search his person" and it must be
10 done "in conformity to the laws of the land." Regarding the law on arrests it held:
11 At common law arrests for misdemeanors were not permissible without a warrant
12 except for acts committed in the presence of the officer **causing** a breach of the
13 peace. (Allen v. State, 183 Wis. 323, 197 N.W. 808, 810, 811 (1924)) There was
14 no breach of the peace. Perpetrator Jason Stone had no lawful authority to stop,
15 detain and arrest Randall-Keth:Beane without a warrant for what he called a
16 misdemeanor. Mr. Beane was travelling minding his own business. What is the
17 law of the land? The Constitution.

18 **US Constitution -- Article VI**

19 "The Senators and Representatives before mentioned, and the Members of the
20 several State Legislatures, and **all executive and judicial Officers**, both of the

1 United States and of the several States, shall be bound by Oath or Affirmation, to
2 support this Constitution...”

3 **US Constitution – Amendment X**

4 “The powers not delegated to the United States by the Constitution and prohibited
5 by it to the States, are reserved to the States respectively, or to the people.”

6
7 All of the rights of the People are not enumerated in the Constitution
8 because there is no limit to the God given rights of the people.

9 **US Constitution – 14th Amendment – Section 3**

10 “No person shall be a Senator or Representative in Congress, or elector of
11 President and Vice President, or hold any office, civil or military, under the
12 United States, or under any State, who, having previously taken an oath, as a
13 member of Congress, or as an officer of the United States, or as a member of any
14 State legislature, or as an executive or judicial officer of any State, to support the
15 Constitution of the United States, shall have engaged in insurrection or
16 rebellion against the same, or given aid or comfort to the enemies thereof.”

17
18 In his fake South Carolina affidavit Officer Stone alleged “Randall Keith
19 Beane did knowingly and willfully oppose **and/or** resist the lawful arrest by a law
20 enforcement officer,” **OR** “the defendant did knowingly and willfully assault, beat
21 **AND/OR** wound a law enforcement officer while resisting arrest.” “Defendant
22 was stopped by Ridgeland Police for a traffic violation.” (Att. #1.1) You’ll notice

1 Officer Stone did not swear under penalty of perjury in his affidavit thereby
2 rendering it meaningless and worthless.

3 The arrest was not lawful because perpetrator Stone did not have a lawful
4 valid arrest warrant when he interrupted Mr. Beane's travel. Perpetrator Jason
5 Stone couldn't seem to decide what exactly occurred. He accused Randall-
6 Keith:Beane of doing one thing OR something else. The affidavit is written that
7 way because it is not truthful. It is a means of trying to get around perjury. It
8 looks like perpetrator Stone is accusing Randall-Keth:Beane of something but he's
9 really not accusing him of anything at all. Maybe he did this—OR maybe he did
10 that—all means he did nothing at all. The affidavit is likely boilerplate language
11 not intended to describe an actual incident, but rather used in their human
12 trafficking courts to railroad Americans.

13 What officer Stone doesn't say in his boilerplate fake affidavit is many of his
14 comrades were at the scene with him. They threatened to break the glass window
15 to Randall-Keth:Beane's truck. They roughed-up and tased Randall-Keth:Beane.
16 There were approximately 13 police officers dispatched armed with tasers, guns,
17 batons, and handcuffs – and one unarmed middle-age 160 lb. man who was
18 traveling and minding his own business before they encroached upon his liberty –
19 committed aggravated assault and illegally detained and jailed him. Perpetrator

1 Stone and his comrades clearly felt like flexing their muscles that day and
2 unfortunately Randall-Keith:Beane landed in their crosshairs.

3 In his fake affidavit you'll notice Officer Stone does not explain what the
4 traffic violation was. He doesn't reveal they tased Randall-Keith:Beane and feared
5 they had given him a heart attack.

6 Randall-Keith:Beane was not served with the South Carolina traffic-related
7 bench warrant. He says he had no knowledge of the case so how could he show up
8 in court to dispute perpetrator Stone's false story? The truth of the matter is the
9 majority of individuals arrested were unaware of a warrant because they are
10 intentionally not properly notified as a law enforcement technique to catch you off
11 guard. They're not interested in allowing you to prepare to present yourself
12 against whatever lies the crooked ones may tell. In addition, the bench warrant
13 says "**THE STATE** VS. Randal Keith Beane." (Att. #1.2) What state? If it were
14 a lawful bench warrant it would have the exact name of the state in all places on
15 the warrant.

16 The Solicitor (Disposition Judge) likely understood Officer Stone's
17 allegation was hogwash so he disposed of the case July 17, 2015. (Att. #2.1) The
18 disposition status is "failure to appear" but there's no proof Mr. Beane was
19 lawfully served a summons to appear.

1 The Tennessee perpetrators and conspirators decided to use the disposed of
2 South Carolina statewide misdemeanor traffic related bench warrant to jump start
3 the Tennessee conspiracy and arrest Randall-Keith:Beane.

4 Here's what coconspirators Parker Still and Jaron Patterson said:

5 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
6 **Still – Trial Transcript, Volume I, Pg. 66, Line 15; 18-20; 24-25)**

7 A I think it (warrant) was out of South Carolina.”

8 Q But on July 11th, you had never seen it, you just had information that your
9 office had information that an outstanding warrant existed.

10 A So me personally, **I did not – I was relying on information that was**
11 **provided to me.**”

12 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
13 **Still – Trial Transcript, Volume I, Pg. 68, line 19-23**

14 Q Did you personally confirm the existence of an outstanding state warrant that
15 you now know to be from South Carolina?

16 A No, ma'am. I did not. I have seen it, though, since that date. I have seen a
17 copy of that warrant, yes, ma'am.

18 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
19 **Still – Trial Transcript, Volume I, Pg. 69, line 8-17**

20 Q Okay. On July 11th, prior to or at any moment, did you ever present a
21 warrant to Mr. Beane or the other unidentified male and unidentified female that
22 you found in that vehicle? Did you ever present an actual paper warrant or
23 electronic warrant to any of those three?

24 A **No, ma'am.** And I – I don't – I mean, that's – I think **that's** some of **TV**
25 **stuff** where we serve people, put a warrant in their hands. You know, that's – I
26 don't – that's just not general practice where you would, you know, serve someone
27 – hand someone a warrant, generally,”

1 **Cynthia Davidson Redirect Examination of FBI Special Agent Parker Still –**
2 **Trial Transcript, Volume I, Pg. 81, line 1-7**

3 Q So – and was there an arrest warrant by the State of South Carolina for Mr.
4 Beane?

5 A Yes, ma'am. I mean, at the scene – that's what I was saying. Knox County,
6 it's my understanding, when they took him – he did not go into federal custody at
7 the time. He went into state custody, that Knox County does those verifications is
8 my understanding."

9 **Heather-Ann:Tucci:Jarraf Cross-Examination of Jaron Patterson [Univ. of**
10 **Tennessee Police Dept. and FBI Cyber Task Force Investigator] – Trial**
11 **Transcript, Volume II Pg. 140-142, line 21-25; 1-3; 8-12**

12 Q Is there any reason why you guys didn't pull a copy of that alleged active
13 outstanding warrant?

14 A That's not very common to take a copy.

15 Q So it's not common to take a copy or to have a warrant to show someone
16 that you are arresting?

17 A The original copy would have been with the issuing agency, so it was an out-
18 of-state warrant. The original copy would have been in another state."

19 Q **So you're not sure if it was ever -- truly existed?**

20 A **No.**

21 Q Other than relying on the statement of a fellow FBI agent?

22 A Correct.

23 Perpetrator and conspirator Jaron Patterson knew the warrant did not exist
24 just like all the other perpetrators and conspirators. They all knew. It's public
25 record. (Att. #2.1) On the left side of the public index it says disposition date
26 07/17/2015.

<https://www.sccourts.org/caseSearch/>

Jasper County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch View					
The State of South Carolina VS Randal Keith Beane					
Case Number:	2014A2720200234	Court Agency:	General Sessions	Filed Date:	10/14/2014
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Failure to Appear	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Failure to Appear				
Disposition Date:	07/17/2015	Date Received:	10/14/2014	Arrest Date:	10/13/2014
Law Enf. Case:	14-907	True Bill Date:	11/20/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2014GS2700554	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Summary						
Fine/Costs:	\$130.00	Total Paid for fine/costs:	\$0.00	Balance Due:	\$130.00	

DEFINITION:

disposition. N. (2) The settlement of a matter; **a judge's final ruling.** (The Essential Law Dictionary, First Edition, 2008, P. 143)

dispose of. V. (2) To settle a matter finally. (The Essential Law Dictionary, First Edition, 2008, P. 143)

dispose of. To exercise finally, in any manner, one's power of control over; or get rid of; to finish with; (Black's Law Dictionary, 4th Edition, P. 557)

There is absolutely no doubt perpetrators and conspirators Cynthia Davidson and Parker Still knew there was no active South Carolina warrant (or any other warrant) for Mr. Beane. It was their job to know. They all knew they were lying to and misleading the grand jury and trial jury. They knew there was no active

1 outstanding South Carolina bench warrant. They knew the bench warrant they
2 referenced had been disposed of two years earlier. They also knew it was
3 STATEWIDE. It gave absolutely no jurisdiction to Tennessee or any other state.

4 Here are some of the lies regarding the South Carolina warrant from the
5 Grand Jury Transcript and Trial Transcript:

6 **Grand Jury Transcript, P. 21, Line 1-5: (Cynthia Davidson Direct**
7 **Examination of Parker Still)** (Att. #29.3)

8
9 Q And Since Mr. Beane was arrested by the FBI; is that correct?

10
11 A He was arrested. Just to clarify, he was arrested by us on – he had an
12 outstanding warrant on a state charge.

13
14 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
15 **Still – Trial Transcript, Volume I, Pg. 66-67, line 18-25; 1-17**

16 Q But on July 11th, you had never seen it, you just had information that your
17 office had information that an outstanding warrant existed. Did you confirm at
18 least with a database, NCIC or anything else that there was actually an outstanding
19 state warrant?

20
21 A So me personally, I did not -- I was relying on information that was provided
22 to me. You know, it's -- we work as a team. I mean, it's -- you know, there's
23 moving parts. I'm doing the affidavit. Somebody else would be looking to see
24 about the warrant, you know, providing that information to us. I mean, it is a team
25 effort. Not one person can sit here and do all the different jobs. So I'm not the
26 person who made any confirmation of that warrant. But I would say this too. It's
27 my understanding that at the scene also, the warrant was also confirmed by
28 **Knox – I believe it was the Knox County Sheriff's Department.**

29
30 Q I'm just asking, because in the plethora of discovery that was provided to us,
31 **not once was there any report by you, a 302,** or by any other member supposedly
32 working on this case regarding -- excuse me, **with an actual copy of the South**

1 **Carolina** -- the alleged South Carolina outstanding warrant, **no NCIC**, no actual
2 NCIC from that date or anything else showing there was an outstanding South
3 Carolina warrant. You stated you had not even confirmed --
4

5 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
6 **Still – Trial Transcript, Volume I, Pg. 68, line 17-25**

7 Q Okay. Because it is important to know that you have the tools you need to do
8 your job. Okay. **Did you personally confirm the existence of an outstanding**
9 **state warrant that you now know to be from South Carolina?**
10

11 A No, ma'am. I did not. **I have seen it, though, since that date. I have seen**
12 **a copy of that warrant, yes, ma'am. And it was exactly right.** I mean, he was --
13 Knox County confirmed it at the scene. It's my understanding he was taken to jail.
14

15 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
16 **Still – Trial Transcript, Volume I, Pg. 69, line 2-7**

17 Q Did you ever provide a copy of that alleged South Carolina outstanding
18 warrant to Ms. Davidson or anyone on the -- at the DOJ?
19

20 A You know, I would have to look back on it. What we normally do is we turn
21 our file -- our discovery file over to the prosecutors.
22

23 **Cynthia Davidson Redirect Examination of FBI Special Agent Parker Still –**
24 **Trial Transcript, Volume I, Pg. 82, line 2-9**

25 Q Is that your understanding? And Ms. Tucci:Jarraf asked you about NCIC
26 reports. It's not the practice of the FBI to give codefendants each other's NCI
27 reports. Is it?
28

29 A I could not imagine why we would give NCI reports because of the personal
30 identifiers on those reports.
31

32 Q So Ms. Tucci:Jarraf doesn't have Mr. Beane's NCIC doesn't mean that
33 there's not a warrant on his NCIC, does it?
34

35 A Right. No, ma'am. That would not mean that.
36

1 Perpetrator and coconspirator Cynthia Davidson demonstrates her skill in
2 concealing material information from the jury. Mrs. Tucci:Jarraf stated she did not
3 receive “an actual copy of the South Carolina -- the alleged South Carolina
4 outstanding warrant, no NCIC, not actual NCIC from that date or anything else
5 showing there was an outstanding South Carolina warrant.” (Trial Transcript,
6 Volume I, Pg. 67, Line 13-16) Mrs. Tucci:Jarraf did not ask for Mr. Beane’s
7 NCIC report—she asked for proof of an active/outstanding South Carolina warrant.
8 The perpetrators and conspirators didn’t give it to Mrs. Tucci:Jarraf because it
9 didn’t exist. They made it up to mislead the grand jury to secure an indictment and
10 to mislead the trial jury to secure a conviction.

11 The perpetrators and coconspirators lied to the grand jury and the trial jury.
12 They all knew the South Carolina Solicitor/Disposition Judge disposed of the
13 South Carolina statewide misdemeanor traffic case July 17, 2015. (Att. #2.1)
14 They all knew there was no active warrant. The perpetrators knowingly and
15 intentionally concealed the NCIC information because they knew there was no
16 South Carolina or other active warrant for Mr. Beane.

17 They used their FBI and Knoxville Sheriff badge and government issued
18 weapon to:

- 19 • Trespass on private property, physically drag Mr. Beane out of the
20 private property, and commit aggravated assault by elbowing Mr.

1 Beane in the head until he bled, twisted his arm, gave him a black eye,
2 bruised his body, and strangled him until he cried out “**I can’t**
3 **breathe.**”

- 4 • Publicly humiliate Mr. Beane by pulling down his shorts and making
- 5 him stand for 45 minutes hand cuffed in the summer heat with his
- 6 underwear exposed, for all the world to see.
- 7 • Kidnap Mr. Beane and falsely imprison him;
- 8 • Steal private property. They did not have a seizure warrant.

9 The perpetrators and coconspirators did all this to Mr. Beane based on a
10 LIE—a South Carolina outstanding warrant LIE.

11 Perpetrator and coconspirator Parker Still stated he saw the South Carolina
12 statewide misdemeanor traffic related bench warrant so he without a doubt knew:

13 (1) The misdemeanor traffic related bench warrant was issued April 17,
14 2015, and it was disposed of 7/17/2015, and

15 (2) It was not a national or international warrant – it was a statewide South
16 Carolina warrant. The misdemeanor traffic related bench warrant was addressed to
17 “all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers
18 of the said State Greetings.” (Att. #1.2)

1 Perpetrator and coconspirator Jaron Patterson (Univ. of Tennessee Police
2 Dept. and FBI Cyber Task Force Investigator) stated he didn't know if the South
3 Carolina traffic related bench warrant existed. (Trial Transcript, Volume II, Pg.
4 142, Line 8-9) He knew it didn't exist. It was his job to know.

5 All the perpetrators had a responsibility to examine the South Carolina
6 statewide misdemeanor traffic related bench warrant to make sure they were
7 operating within the law. But this was a conspiracy so there was no concern about
8 operating within the law. The concern was reaching the conspiracy goal –
9 imprisonment! Here's more testimony regarding NCIC and the disposed of South
10 Carolina traffic related bench warrant.

11 **Heather-Ann:Tucci:Jarraf Direct Examination of Parker Still, Trial**
12 **Transcript Volume VII, P. 53-56, Line 25; 1-25; 1-25; 1-13 - NCIC and the**
13 **South Carolina Warrant**
14

15 Q Agent Still, I just had a couple questions for you regarding the NCIC
16 exhibits, and I'll read them off to you and then just ask you a few questions. Okay.
17 To begin with, on Defendants' Exhibit 7 and you had stated that your office had a
18 warrant -- or had information of a warrant in South Carolina. Correct?
19

20 A Yes, ma'am. That's -- that was the information that was provided to me, yes,
21 ma'am.
22

23 Q And that would be on July 10th?
24

25 A I believe it was July 11th, the morning of July 11th, yes, ma'am.
26

27 Q The morning of July 11th. And did you do an NCIC search to be able to
28 confirm that -- or excuse me, are you aware if your office had done an NCIC
29 search to confirm that?
30

1 A The way that it normally would be done, yes, ma'am, would be -- the office
2 would do -- they have the ability there to do an NCIC check, yes, ma'am.

3
4 Q Do you have the ability to do an NCIC check?

5
6 A No, ma'am. The only ability I have would be to contact what we call
7 upstairs, which is kind of our control room or radio room, if you will. And I could
8 say, you know, "Can I get an NCIC check on this individual or that individual," uh-
9 huh, yes, ma'am.

10
11 Q Okay. So those that are upstairs, they're the ones that have the authorization
12 to enter into the NCIC?

13
14 A I don't know about enter into the NCIC, all I know is they're the ones who
15 we call to get a check done, yes, ma'am.

16
17 Q Okay. And then Exhibit 165, please, David. Okay. This is Government's
18 Exhibit 165, Agent Still. And this is the South Carolina -- excuse me, yeah, South
19 Carolina warrant. Correct?

20
21 A Yes, ma'am. That's the South Carolina warrant.

22
23 Q Okay. And can you please tell me approximately when you recall seeing
24 this warrant?

25
26 A I believe this warrant was e-mailed to me on -- by Jasper County on either
27 the 11th or the 12th of July. I believe that's the first time I actually saw the -- this
28 warrant, this actual one you're speaking of, a physical copy.

29
30 Q Okay. A physical copy. And did you send that copy or that fax of that South
31 Carolina warrant over to Knox County sheriffs?

32
33 A No, ma'am. I believe -- I believe the one that I had was an e-mail -- I believe
34 they e-mailed it to me.

35
36 Q They e-mailed it?

37
38 A Yes, ma'am.

1 Q Okay. And to the best of your knowledge, has anyone in the FBI gone in
2 and entered information regarding Mr. Beane in the NCIC?

3
4 A No, ma'am, not to my knowledge. Again, though, I don't know who enters
5 NCIC. I would want to clarify too. If I remember right, from our file, I had two
6 copies, one was this e-mail of the warrant, and then I think they also faxed me a
7 copy later on, maybe in August.

8
9 Q In August?

10
11 A Yes, ma'am.

12
13 Q Okay. So then to the best of your knowledge, approximately July 12th or
14 July 13th was the first time that you had ever seen that South Carolina warrant?

15
16 A It could have been the afternoon of the 11th. There was an e-mail from
17 them, yes, ma'am. An e-mail from them either July 11th to July 12th, to the best of
18 my knowledge.

19
20 Q Okay. Did you provide the Department of Justice, Ms. Davidson, with a
21 copy of that e-mail?

22
23 A I think so, yes, ma'am.

24
25 **VII) (A) Private Property Trespass – (B) Aggravated Assault During**
26 **Arrest Causing Serious Bodily Injury – (C) Public Humiliation – (D)**
27 **Felony Kidnapping**

28
29 **(A) Private Property Trespass**

30
31 Mr. Beane has the Right to hold and own property without trespass.

32 As you read the trial testimony below you will see the perpetrators and

33 conspirators did not have permission or consent to enter the private property

34 motorhome without a warrant. The perpetrators and conspirators entered in

1 violation of Tennessee Criminal trespass code 39-14-405 (a) A person commits
2 criminal trespass if the person enters or remains on property, or any portion of
3 property, without the consent of the owner (Att. #50), and 25 CFR § 11.411 -

4 Criminal trespass (a) A person commits an offense if, knowing that he or she is not
5 licensed or privileged to do so, he or she enters or surreptitiously remains in any
6 building or occupied structure. (Att. #47)

7 Perpetrator and conspirator Anne-Marie Svolto used the disposed of South
8 Carolina statewide misdemeanor traffic related bench warrant as “Government
9 Exhibit 165.” She pointed out the bench warrant issue date – April 17, 2015, but
10 she was strangely mum on the disposition date of 7/17/2015. For some reason
11 perpetrator and coconspirator Ann-Marie Svolto didn’t see fit to let everyone in the
12 courtroom know the secret she knew – the South Carolina statewide traffic related
13 bench warrant was DISPOSED OF TWO (2) YEARS EARLIER and it was a
14 STATEWIDE warrant. There was no active or outstanding warrant to arrest Mr.
15 Beane AND SHE KNEW IT! All the perpetrators and conspirators knew it!

16 In fact, perpetrator and coconspirator Terry Wilshire of the Knoxville
17 County Sheriff Office admitted under oath that they held Randall-Keith:Beane
18 until they could find an arrest warrant somewhere. What they found was a South
19 Carolina statewide misdemeanor traffic related bench warrant that was disposed of
20 two years earlier and that was good enough for them. They used it!

1 **Randall-Keith:Beane Cross Examination of Terry Wilshire Trial Transcript,**
2 **Volume VII, P. 29-30, Line 20-25; 1-18**

3
4 Trial excerpt:

5 Q Mr. Wilshire, were you present during the arrest?

6
7 A No, I was not.

8
9 Q Were you present at any time during the paperwork process to observe
10 whether or not any documents were actually presented to me to sign?

11
12 A I was not present when you came in, no.

13 Q Is it common practice in Knox County to – when someone is arrested
14 without a warrant to hold them until you find a warrant?

15
16 A Till you find a warrant -- rephrase that, please.

17
18 Q Is it common practice in Knox County to hold someone when they're
19 arrested without a warrant till you find a warrant?

20
21 A No. If there's no charge, it wouldn't be common to hold someone with a
22 charge. In this case, **there was an outstanding warrant in another agency that**
23 **was confirmed by NCIC**, that someone was wanted. So an FFJ warrant, or
24 fugitive from justice warrant, had to be done, completed.

25
26 Q Are you aware I was arrested on the 11th?

27
28 A Yes.

29
30 Q So I was held for a day without a warrant?

31
32 A **You were held until they found out who you were and identified you**
33 **and found the warrant that was needed to be done.**

34
35 Why would they arrest Mr. Beane if they didn't know who he was? Terry
36 Wilshire's testimony showed a complete disregard for the rule of law and was a
37 clear indication of his knowing participation in the conspiracy.

1 It is appalling to read perpetrator and coconspirator Anne-Marie Svolto's
2 cross-examination below knowing that she knew at the time that she was
3 misleading the court, the jury, and those in the gallery regarding the South Carolina
4 warrant:

5
6 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
7 **Transcript Volume IV, P. 227, Line 13-19**
8

9 Q Okay. And so FBI comes and you don't want to open the door, do you?

10
11 A I'm on the telephone.

12
13 Q So you can't open the door when you're on the telephone?

14
15 A Not when I'm in the middle of discussing something and I don't understand
16 what's going on outside the door.

17
18 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
19 **Transcript Volume IV, P. 228, Line 16-25**
20

21 Q So you're being told there's a warrant for your arrest. You disagree that
22 there's a warrant?

23
24 A Yes, I do.

25
26 Q You disagree there's a warrant in general or just a warrant out of Colorado?

27
28 A **I disagree there's a warrant in general.**

29
30 Q So you think there was no warrant for your arrest?

31
32 A Yes, ma'am.

33
34 Q I'd like to show you, **the witness and defense only**, (In other words—they
35 don't want anybody else to look because you might notice it's a statewide bench
36 warrant – not a national or international warrant.) What's now been marked as --
37 oh, they're not in the system, but

38
39 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
40 **Transcript Volume IV, P. 229, Line 2-6; 15-20; 24-25**

1 Q This will be **Government Exhibit 165**. Do you see that document?

2
3 A Yes, I see that.

4
5 Q Okay. All right. So you see that there?

6
7 A Yes.

8
9 Q Can you **read the top** of that, please?

10
11 A "State of South Carolina, County of Jasper, Bench Warrant, failure to
12 appear, the State versus Randal Keith Beane."

13
14 Q All right. If we could **scroll down to the bottom** of the page, right under
15 the word "Witness."

16
17 A April 17th, 2015.

18
19 Q So you would agree with me that this is a warrant. Correct?

20
21 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
22 **Transcript Volume IV, P. 230-231, Line 12-25; 1-3**

23
24 Q All right. So you were told you had a warrant out for your arrest, and your
25 testimony just now is that there was no warrant for you?

26
27 A Correct.

28
29 Q All right. So this warrant, which, again, **I'll refer to the date at the bottom**
30 **there, April 17, 2015.**

31
32 A Correct.

33
34 Q You're saying that this warrant doesn't exist?

35
36 A It didn't until the 10th of July or -- it was -- actually, let me rephrase it. It
37 didn't until the 13th of July.

38
39 Q Okay. So the date on there is fabricated. Is that your testimony?

1 A Could be. I don't know. But **it didn't exist until July 13th of 2017.**

2
3 Q Is that because you hadn't seen a paper copy of it?

4
5 A **Never seen anything.**

6
7 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
8 **Transcript Volume V, P. 13-14, line 13-25; 1-5**

9
10 Q All right. So you're upset at the Wegners right now, aren't you?

11
12 A. Only at Alex.

13
14 Q. Only at Alex.

15
16 A. Yes.

17
18 Q. Is that because he opened the door to the RV when the FBI arrived?

19
20 A. Yes.

21
22 Q. And so you were mad at him for opening the door to the RV?

23
24 A. Yes.

25
26 Q. Because you had told him not to open the door; isn't that correct?

27
28 A. I didn't say anything about opening the door.

29
30 Q. But you didn't think he should have opened the door?

31
32 A. **Not without a warrant.** (Att. #34.2 and #34.3)

33
34 Without a valid warrant entry onto the private property motorhome was
35 criminal trespass. The Wegners were invited guests. Unbeknownst to Mr. Beane,
36 they possibly were cooperating with the FBI and US Attorney frame up. Alex
37 Wegner opening the door **was NOT owner consent.**

1 Perpetrator and conspirator Anne-Marie Svolto focused attention to the top
2 of the South Carolina statewide traffic related bench warrant and the bottom of the
3 bench warrant. She steered everyone away from the middle of the warrant. What
4 a slickster! The likely reason was the warrant, when it was active, was only good
5 inside the state of South Carolina. Here's what the middle of the warrant says:
6 **"To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace**
7 **Officers of the Said State Greetings:"** (Att. #1.2)

8 Perpetrator and conspirator Anne-Marie Svolto knew it was a disposed of
9 statewide traffic related bench warrant. She was quiet on the South Carolina
10 Public Index which shows the disposition date of 7/17/2015. She was careful to
11 just talk about the top and bottom of the bench warrant while the middle held
12 extremely important information. Here are some of her top/bottom references:

13 Q Can you **read the top** of that, please? (Trial Transcript Volume IV, P. 229,
14 Line 15)

15
16 Q All right. If we could **scroll down to the bottom** of the page, right under the
17 word "Witness." (Trial Transcript Volume IV, P. 229, Line 19-20)

18
19 Q All right. So this warrant, which, again, **I'll refer to the date at the bottom**
20 **there**, April 17, 2015. (Trial Transcript Volume IV, P. 230, Line 16-17)

21
22 Again, she knew it was a statewide traffic related bench warrant. She knew
23 the warrant was disposed of July 17, 2015 – two years earlier. And she knew her
24 coconspirators were guilty of criminal trespass, unlawful arrest, unlawful
25 detention, and false imprisonment. Of course she didn't utter a word because she
26 was in on the conspiracy. Here's Mr. Beane's testimony regarding the South
27 Carolina warrant::
28

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Randall-Keth:Beane, Trial**
2 **Transcript Volume V, P 111-112, Line 17-25, 1-8** (Att. #34.9 and #34.10)

3
4 Q. Did you ask to see the warrant?

5
6 A. **Yes.**

7
8 Q. Did they produce a warrant --

9
10 A. **No.**

11
12 Q. -- that day?

13
14 A. **No.**

15
16 Q. Did they identify themselves?

17
18 A. **No.**

19
20 Q. Did they say what agency they worked for?

21 A. **No, nothing.**

22
23 Q. Did they give you -- nothing?

24
25 A. **Nothing.**

26
27 Q. Did they at least tell you why you were arrested?

28
29 A. **No, nothing; nothing. They didn't say anything to me.** Other than the fact
30 that Colorado -- I was a fugitive of Colorado.

31
32 According to **Tennessee Code Title 39 -- 39-14-405. Criminal**

33
34 **trespass.** (Att. #50) (a) A person commits criminal trespass if the person enters

35
36 or remains on property, or any portion of property, without the **consent** of the

37
38 owner. **Tennessee Code Title 39 -- 39-11-614. Protection of property.** (Att. #51)

1 (a) A person in lawful possession of real or personal property is justified in
2 threatening or using force against another, when and to the degree it is reasonably
3 believed the force is immediately necessary to prevent or terminate the other's
4 trespass on the land or unlawful interference with the property.

5 (b) A person who has been unlawfully dispossessed of real or personal property
6 is justified in threatening or using force against the other, when and to the degree it
7 is reasonably believed the force is immediately necessary to reenter the land or
8 recover the property.

9 (B) **Aggravated Assault During Arrest Causing Serious Bodily Injury**
10

11 On or about July 11, 2017 Randall-Keith Beane was completing a private
12 business transaction at Buddy Gregg RVs & Motor Homes when the vicious sneak
13 attack occurred. They all purposefully allowed their fellow officers to physically
14 assault Mr. Beane and violate his rights. They all failed to intervene to stop the
15 attack. They either participated or watched and chose to do nothing when they
16 could have done something to stop the physical assault and injuries to Mr. Beane.

17 Buddy Gregg RVs & Motor Homes was in on the sneak attack. They were
18 threatened by the FBI gang of thugs that they would be charged with “obstruction
19 of justice” if they did not cooperate. Here’s what the general Sales manager Jerald
20 Byrne said in trial testimony:

1 **Randall-Keith:Beane Cross-Examination of Jerald Byrne [Buddy Gregg RVs**
2 **& Motor Homes General Sales Manager] Trial Transcript Volume III, P. 103,**
3 **Line 5-14** (Att. #32.2)
4

5 Q Okay. Who convinced you -- at some point, you said that you felt comfortable
6 with me as a customer, and you wanted to protect me as a customer. Who
7 convinced you otherwise to let you believe that I had committed a crime to the
8 point where you allowed the FBI on the property to ambush me, basically?
9

10 A Well, it wasn't a convincing of anything. **It's called obstruction of justice.**
11 I'm not going to get involved. My main goal is to keep our customers satisfied and
12 safe. Okay. **When someone above my authority comes in on that property,** I
13 don't get involved until the dust settles.
14

15 Mr. Byrne was likely paralyzed in fear and bullied into cooperating. But it
16 doesn't change the fact he violated Mr. Beane's rights.

17 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
18 **Transcript Volume 5, P. 105-106, Lines 19-25; 1-25** (Att. #34.4 and #34.5)
19

20 A So I sat down in the coach and was waiting for it to cool off, and here comes
21 this car pull up in front of the coach blocking it in. And all these fellows get out
22 and run -- come to the door telling me to open the door. And then Alex opens the
23 door and lets them in, and they're coming in telling me I'm under arrest; I'm a
24 fugitive out of Colorado, and I'm trying to tell them I've never been to Colorado.
25 Well, **they grab me and pulled me outside the coach and start beating me and**
26 **throwing me on the ground. One of them has got his foot on my head and**
27 **telling me to -- I'm telling him, "I can't breathe."** And he's saying,
28 "You're going to have to breathe." Well, **when I did breathe, my mouth was**
29 **stuck full of dirt and grass because he had my head so far down in the grass,** I
30 couldn't do anything.
31

32 Q If you can -- is that officer here in this room right now?
33

34 A I didn't -- at that point, I think -- I don't see him now. He was in here. This
35 gentleman here known as **Mr. Pack** who I've pointed to several times, and then
36 **Mr. Parker Still.**
37

1 Q Uh-huh.

2
3 A. There was a **lady who was pregnant** and then the bald-headed guy. I don't
4 remember his name. **Jimmy Duran** or something like that.

5
6 Q Okay.

7
8 A I think Mr. Duran was the one that was manhandling me the most."

9
10 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
11 **Transcript Volume V, P. 113, line 19-22**

12
13 Q Okay. So at the RV where you were, there was approximately nine officers
14 and only one was in uniform?

15
16 A Only one.

17
18 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
19 **Transcript Volume V, P. 112-113, line 25; 1-6**

20
21 A There were several officers walking around. I don't recall who they were or
22 know who they were.

23
24 Q Were any of them in uniforms?

25
26 A **Only one.** There was a Knox County Sheriff there with a dog. When they
27 had me on the ground, they had the dog with his -- he was wanting to bite me. He
28 had -- he was growling at my head.

29
30 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
31 **Transcript Volume V, P. 110, line 8-24**

32
33 Q Did you refuse the medical attention?

34
35 A Yes, I did.

36
37 Q Okay. After that, did they put you into a patrol car?

38
39 A No, at that point, they -- they pulled my pants down around my waist and
40 made me stand there in handcuffs. And there were people everywhere, just

1 everywhere watching, but I was standing there in my underwear, basically, with
2 my shorts down around my thighs with my handcuffs on with a bandage wrapped
3 tight around my head. (Att. #34.8)
4

5 Q But you said you had refused medical attention. Who did the bandage
6 around your head?
7

8 A Mr. Pack did.
9

10 Q Mr. Pack?
11

12 A Yes
13

14 Q Mr. Pack.”
15

16 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
17 **Transcript Volume V, Pg. 113-114, line 19-25; 1-25**
18

19 Q Okay. So at the RV where you were, there was approximately nine officers
20 and only one was in uniform?
21

22 A Only one.
23

24 Q Were the others dressed with, like, field jackets on that –
25

26 A They had on –
27

28 Q -- said anything?
29

30 A -- suits just like they're wearing today; just suits.
31

32 Q So out of the approximately nine officers, eight of them had business suits
33 on?
34

35 A Yes, ma'am.
36

37 Q Okay. At that point, **you said that they had pulled your pants down** and
38 you were in your underwear. Were you just standing there or were they taking you
39 to the car?
40

1 A No, I stood there for -- I bet **I stood there for a good 45 minutes to an**
2 **hour** before they ever put me in the car.

3
4 Q In your underwear?

5
6 A In my underwear.

7
8 Q Okay. Do you recall the kind of squad car -- or did they put you in a squad
9 car --

10 A Eventually they did.

11
12 Q -- with lights?

13
14 A They put me in a Knox County Sheriff's car.

15
16 Q Knox Sheriff. Is that the one officer that was in uniform that was there?

17
18 A Yes, that was the one officer that was there, yes."

19
20 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
21 **Still – Trial Transcript, Volume I, Pg. 73-74, Line 12-17; 20-25, 1-9**
22

23 Q Okay. So my question is, you had stated that once he had his hands around
24 his back, what methods did you use -- did he stop resisting arrest after he had been
25 **elbow punched in the back of the head a number of times** with his face in the
26 ground, or did he stop resisting arrest after he had already been passed out from a
27 head injury?

28
29 A ...the amount of force used was only the amount necessary to effectuate the
30 arrest, to make the arrest that day. We had a motor home that was running. I
31 mean, all he had to do was put it in drive and, you know, lives would have been
32 lost potentially. And also, we did not know who all -- you know, we don't -- it's --
33 we're reacting to a situation. We do not know what -- you know, if there's other
34 people involved. We just don't know. **We have to make that arrest, get him cuffed**
35 **up.** He was -- he did, as you said, **he obtained a cut on his head.** We had an
36 EMT, Jason, who was at the scene, is an agent who's also an **EMT and he treated**
37 **him immediately.** Also, **we called an ambulance** just to be on the safe side, and
38 Mr. Beane refused treatment.
39

1 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
2 **Still – Trial Transcript, Volume I, Pg. 74, Line 10-13 (Att. #30.5)**

3
4 Q When – after he received the head injury, he refused treatment?

5
6 A I disagree with that – I don't know – I mean, an injury, **he got a cut on his**
7 **head.**

8
9 **Perpetrator and coconspirator and Prosecutor Cynthia Davidson Redirect**
10 **Examination of FBI Special Agent Parker Still – Trial Transcript, Volume I,**
11 **Pg. 82, line 10-20**

12
13 Q Okay. And you mentioned you – just out of an abundance of caution, Mr.
14 Beane had a **scratch** on his head. Is that right?

15
16 A That's correct, yes, ma'am. And Jason, the agent at the scene, is a EMT,
17 paramedic. He immediately put a bandage on Mr. Beane, and I believe it was
18 Jason, too, who called the paramedics. The actual ambulance showed up, and we,
19 you know – to make – I mean, it just – we – we want to do right, want to treat
20 everybody fairly, want to – you know, if there was any injury, we wanted to make
21 sure he got the medical attention, and he refused.”

22
23 It is unfortunate these perpetrators and coconspirators are still in positions of
24 trust as they have proven themselves not trustworthy and among the demons
25 corrupting the government. The law does not allow a peace officer to use more
26 force than is necessary to effect an arrest. **Strangulation** is certainly not necessary
27 to effect the arrest of an unarmed middle-age man. **Twisting Mr. Beane's arm,**
28 **giving Mr. Beane a black eye, putting bruises all over Mr. Beane's body,** and
29 **causing Mr. Beane's body to hurt all over from the beating** they administered
30 in no way can be argued necessary to effect an arrest. (Att. #34.7) Mr. Beane was
31 **elbowed to the back of the head until he bled.** They strangled Mr. Beane in

1 violation of Tennessee Code § 39-13-102 (a)(2) – “**strangulation**
2 **means...impeding normal breathing or circulation of the blood by applying**
3 **pressure to the throat or neck...**” (Att. #49) It’s not clear how you interpret
4 strangulation as anything other than attempted murder. Of course it’s attempted
5 murder. You have no idea when breathing will cease and death occurs.

6 They physically beat Mr. Beane because they could, period! It was brutal
7 and barbaric! It is only by the GRACE OF GOD they didn’t kill Mr. Beane. The
8 beat-down was bad enough to make the thugs call an ambulance. “If a peace
9 officer does use such unnecessary force, he thereby becomes a trespasser from the
10 beginning, and may be lawfully resisted. It has been held that a person can resist
11 any arrest where he "has reasonable grounds to believe that the officer is not acting
12 in good faith," and that "by submitting to arrest and being disarmed he will, by
13 reason of this fact, be in danger of great bodily harm or of **losing his life**.
14 (*Caperton v. Commonwealth*, 189 Ky. 652, 655, 225 S.W. 481, 483 (1920).

15 The Perpetrators and coconspirators didn’t talk to Mr. Beane like a man or a
16 woman, or an honest FBI agent or sheriff deputy who respects and honors his/her
17 position of emolument. They sneaked around like violent lawless thugs putting all
18 their male and female masculinity in that FBI badge, Sheriff deputy badge, and gun
19 the American people mistakenly entrusted to them. They ganged up on an
20 innocent unarmed 160lb man they had never met before—never interviewed him in

1 person or by phone—and they beat him up much like the Crips and the Bloods—
2 except these FBI and Sheriff deputy thugs delivered their violent physical beating
3 under the color of government authority. They were clothed with the authority of
4 the state. (Att. #22, #38, #39, #46, #47, #48, #49, #50)

5 Here's perpetrator and coconspirator Parker Still admitting he'd never met
6 Randall-Keith:Beane before his planned sneak attack and aggravated assault:

7 **Heather-Ann:Tucci:Jarraf Cross-Examination of Parker Still, Trial**
8 **Transcript, Volume I, P. 52-53, Line 13-25; 1-10**
9

10 Q You stated in your direct with Ms. Davidson that you didn't have hardly any
11 information on Randall Beane except for his driver's license photo or the scan of
12 his driver's license. Did you ever give Mr. Beane an opportunity to...**did you ever**
13 **once think let me get the other side of the story?**
14

15 A Absolutely.
16

17 Q And the first time that you ever made contact with Randall, was that when
18 you guys passed him out?
19

20 A Let me – let me – I take --.
21

22 Q Please just answer the question --.
23

24 A No. I'll --.
25

26 Q yes or no, was the first time that you met Randall on July 11th when your
27 teams passed him out of the vehicle? Was that the first time?
28

29 A **The first time we ever met Mr. Beane was on July 11th.**
30

31 Q When you pulled him out of the RV. Is that correct?
32

33 A When I – when we – when we removed him from an RV purchased with
34 stolen money that was running.”

1 Perpetrator and conspirator Parker Still lied to the jury and told them Mr.
2 Beane stole a motorhome (Trial Transcript, Volume I, P. 63, Line 25) out of one
3 side of his mouth while at the same time stating he had to abandon the
4 affidavit/warrant process because "-- the keys are going to be turned over to
5 him." (Trial Transcript, Volume I, P. 62, Line 22 – Att. #30.3) If the keys were
6 turned over to Mr. Beane it is clear Mr. Beane did not steal the motorhome.

7 Perpetrator and conspirator Parker Still admitted his group of thugs inflicted
8 a bleeding cut on Mr. Beane's head. (Att. #30.5) He already acknowledged they
9 elbow punched Mr. Beane in the back of the head a number of times with his face
10 buried in the dirt to near death. Perpetrator and conspirator Cynthia Davidson
11 misled the jury by getting him to lie under oath and say it was a scratch – after he
12 just testified it was a bleeding cut. No one calls an ambulance for a scratch. It's
13 not typical to bandage one's head for a scratch. Perpetrator and conspirator
14 Cynthia Davidson intentionally lied to the jury. She concealed the aggravated
15 assault that conspirator Parker Still admitted to. Randall-Keith:Beane needed his
16 head bandaged to stop the blood flow. And have no doubt, if perpetrator and
17 coconspirator Parker Still admitted under oath to inflicting a cut on Mr. Beane's
18 head you can be guaranteed it was likely worse. They meant to injure Mr. Beane.

1 It's also clear beating up and physically assaulting Americans is part of
2 perpetrator and coconspirator Parker Still's modus operandi. It seems to be his
3 normal practice to beat up those he arrests. Trial transcript:
4 **"Just like tonight if I see a shoplifter running down the aisle at Walmart, I can**
5 **tackle them. You know, I can make a probable cause arrest in Tennessee."**
6 (Trial Transcript, Volume I, P. 62, Line 12-14) Att. #30.3

7 If they haven't left the store they haven't stolen anything. Maybe they're
8 running down the aisle to meet someone. What is the probable cause? Running
9 down the aisle? It appears he's saying running down the aisle establishes probable
10 cause and probable cause means he can tackle and physically assault you. This
11 same scenario played out at Buddy Gregg RVs & Motor Homes. Mr. Beane never
12 left the dealer lot and perpetrator and conspirator Parker Still and his group of
13 thugs physically assaulted Mr. Beane and caused serious injury. An officer does
14 not determine probable cause. That's the job of a judge.

15 (C) **Public Humiliation**

16 The perpetrators and conspirators forced Randall-Keith:Beane, at gunpoint,
17 to stand in the Tennessee summer heat handcuffed while they pulled down his
18 pants and exposed his underwear to the many spectators and passersby. (Att.
19 #34.8, #34.9) They made him stand there for 45 minutes to an hour, with his
20 shorts down and his underwear exposed, and with a bleeding head intentionally

1 bandaged too tight. Mr. Beane did not request or authorize the bandage. It, too,
2 was a physical assault on Mr. Beane.

3 What lawful reason would the perpetrators and conspirators have to pull
4 down Randall-Keith:Beane's pants to expose his underwear? Were they a bunch
5 of thug sexual deviants who used their badge and gun to take a sneak peek at
6 Randall-Keith:Beane's package? Was the visibly pregnant agent comparison
7 shopping because she wasn't satisfied with what she had at home? Or was the
8 assault meant to be torture and humiliation? The baby bump "may" have
9 prevented her from throwing a punch, but she clearly did not intervene to stop the
10 Constitutional violations as required. Perhaps she couldn't imagine her unborn
11 child one day being viciously gang attacked like Randall-Keith:Beane and hoping
12 an honest decent officer would intervene and stop it. Randall-Keith:Beane is
13 somebody's child. We're all somebody's child no matter our age.

14 It was, no doubt, a deliberate act of torture and humiliation to make sure
15 Randall-Keith:Beane cooperated with the perpetrators plot and conspiracy. They
16 intended for him to keep his mouth shut about the \$31,000,494.97 and allow them
17 to do as they please. The physical beating and bruised body, elbow punches to the
18 back of the head, bleeding cut to the head, twisting of his arm, the black eye,
19 making him stand in the Tennessee hot sun for 45 minutes to an hour handcuffed
20 with his pants down, and strangled to near death was just a taste of what was to

1 come if Mr. Beane didn't shut up and allow them to falsely imprison him. They
2 wanted to inflict physical and psychological suffering and pain on Mr. Beane as a
3 down payment on the public trial and conviction abuse he would receive down the
4 road. Their conduct was despicable and unlawful. They weren't dealing with Al-
5 Qaeda or ISIS militants. They weren't dealing with a domestic terrorist. For a
6 domestic terrorist they needed to look no further than the mirror.

7 **DEFINITION**

8 Black's Law Dictionary, Second Pocket Edition, P. 714

9 **torture** – The infliction of intense pain to the body or mind to punish...to
10 obtain sadistic pleasure.

11 The Essential Law Dictionary, First Edition, 2008, P. 500

12 **torture** – The infliction of severe mental or physical pain on a person in
13 order to intimidate or punish the victim or to elicit information.

14 (D) **Felony Kidnapping**

15
16 When the arrest is not pursuant to legal forms of the law, without charge, or
17 complaint, without a warrant issued by a court or magistrate having competent
18 authority – IT IS FELONY KIDNAPPING!

19
20 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
21 **Still – Trial Transcript, Volume I, Pg. 61-62, Line 20-25; 1-4; 8-11**

22
23 Q Okay. Then let's address that, because you had stated when you were
24 working on the affidavit, you just got up and ran and grabbed -- I'm sorry I don't
25 remember your partner's name, but another colleague?

26
27 A Yes, ma'am. Correct.

1 Q Where did that information come from that would have you stop the lawful
2 process, the criminal procedures you're supposed to follow in order to have a
3 warrant to be able to arrest someone? What -- who called you with that
4 information that had you abandon protocols and process?

5
6 A The argument that I abandoned protocols and process, I strongly disagree
7 with. I did not abandon anything. We have -- we can make a probable cause arrest
8 based on information.

9
10 Probable cause is not a defense to false imprisonment. Perpetrator and
11 conspirator Parker Still said they made a probable cause arrest, but they
12 did not go before a magistrate or judge for a probable cause hearing.
13 Perpetrator and conspirator Parker Still said they used a South Carolina statewide
14 misdemeanor traffic related bench warrant to arrest Mr. Beane, but that warrant
15 was disposed of two years earlier and it was a statewide warrant.

16 Plain and simple, it was an unlawful arrest, felony kidnapping, unlawful
17 detention and false imprisonment.

18 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
19 **Still – Trial Transcript, Volume I, P. 62, Line 18-25**

20
21 A I was working on a seizure warrant. That is correct. At the time I was
22 working on a seizure warrant in coordination with the U.S. Attorney's Office.
23 Once the facts changed, and Mr. Beane starts -- is -- plans to leave in that
24 motorhome or it's going to be -- the keys are going to be turned over to him at
25 Buddy Gregg, we had to react. There was not time for me to get in front of the
26 magistrate judge. There was not time for me to finish an affidavit. We had to
27 react at the time.”

28
29 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
30 **Still – Trial Transcript, Volume I, Pg. 63, line 20-25**

1 ...Buddy Gregg, it's my understanding as a -- that Buddy Gregg provided that
2 information to one of our task force officers who relayed that information to me
3 that he was leaving in the motorhome. And you know what? When we got there, he
4 was leaving in the motorhome. Pretty good information. Stolen motorhome. “

5
6 Perpetrator and conspirator Parker Still says he was working on a seizure
7 warrant. He was not working on an arrest warrant and it's likely because he knew
8 he didn't have probable cause to present to a judge. They used the South Carolina
9 statewide traffic related bench warrant that had been disposed of two-years (July
10 17, 2015) earlier as the predicate to arrest Randall-Keith:Beane on July 11, 2017.

11 **The Dept. of Justice – 1033. KIDNAPPING—18 U.S.C §§ 1201, 1202**

12 “Conviction for the offense of kidnapping requires proof of transportation in
13 interstate commerce, of an unconsenting person, who is held for ransom or
14 reward or otherwise, where the accused's acts were knowingly and willfully
15 committed. See United States v. Osborne, 68 F.3d 94 (5th Cir. 1995). See
16 also United States v. Crosby, 713 F.2d 1066 (5th Cir.); cert. denied, 464 U.S. 1001
17 (1983). Proof is not required that the accused carried out the kidnapping for
18 personal financial gain. See United States v. Childress, 26 F.3d 498 (4th Cir.
19 1994), cert. denied, ___ U.S. ___, 115 S. Ct. 1115 (1995).”

20 Jaron Patterson, University of Tennessee Police Department and FBI Cyber
21 Task Force Investigator, was at the scene when the FBI perpetrators arrested
22 Randall-Keith:Beane. Perpetrator and conspirator Jaron Patterson did not have an
23 arrest warrant. He said he had knowledge of an active arrest warrant but didn't

1 recall who issued it. (Att. #31.4) Perpetrator and conspirator Jaron Patterson said
2 the FBI confirmed the active South Carolina warrant but nobody had a copy of it
3 because it's "not very common to take a copy." (Att. #31.5, #55) Perpetrator and
4 conspirator Jaron Patterson did not make an effort to confirm the South Carolina
5 active warrant and he did not know if it truly existed. (Att. #31.6 and #31.7)

6 Randall-Keith:Beane asked for a copy (Att. #55) of the warrant and they
7 turned a normal part of due process in which they are obligated to provide a copy
8 of the warrant into a physical attack. Why? Because they were pissed that Mr.
9 Beane was smart enough to ask for the warrant and they knew they didn't have
10 one. Randall-Keith:Beane had no way of knowing if the alleged warrant was
11 lawful so he asked to see it. As it turns out it wasn't. They knew they couldn't
12 show Mr. Beane the South Carolina warrant because Mr. Beane would have
13 researched and scrutinized it and advised them it was not valid.

14 The perpetrators and conspirators:

- 15 1) used a South Carolina statewide misdemeanor traffic related bench
16 warrant that was disposed of two years earlier (7/17/2015) to arrest
17 Randall-Keith:Beane on 7/11/2017,
18
- 19 2) knew the warrant was not active and was for South Carolina only,
20
- 21 3) knew they had no lawful or legal reason to arrest Randall-Keith:Beane
22 and no lawful or legal reason to arrest Heather-Ann:Tucci:Jarraf,
23

1 4) physically assaulted Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf
2 by handcuffing and forcing them into a vehicle so that they could kidnap
3 and transport them to an illegal and unlawful confinement.
4

5 5) illegally and unlawfully detained Randall-Keith:Beane from July 11,
6 2017 to July 27, 2017 – 17 DAYS – with NO WARRANT and NO
7 PROBABLE CAUSE HEARING. They never held a probable cause
8 hearing because they never had probable cause.
9

10 6) issued two fraudulent fictitious signed United States District Court for the
11 Eastern District of Tennessee warrants signed by “A. Brush” –not the
12 clerk as required by 18a U.S. Code Rule 9. (Att. #10)
13

14 7) kidnapped Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf
15

16 Use of an inactive disposed of South Carolina statewide misdemeanor traffic
17 related bench warrant, and a fraudulent fictitious signed United States District
18 Court for the Eastern District of Tennessee warrant means the perpetrators and
19 coconspirators never had a lawful reason to arrest or detain Randall-Keith:Beane or
20 Heather-Ann:Tucci:Jarraf from day one. This means they knowingly and
21 intentionally kidnapped Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf with
22 the hope they wouldn’t get caught.

23 **VIII) Private Property Search and Seizure Without a Warrant**

24 On July 11, 2017 the FBI perpetrators seized the private property
25 motorhome without a seizure warrant and went joyriding in it. This is called theft!
26 Trial transcript:

1 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
2 **Transcript Volume V, P. 118-119, Line 5-25; 1-2**

3
4 Q Okay. So they took you straight to the detention facility; no more stops?

5
6 A Right. That was -- while we were on the way is when I passed -- we came up
7 behind the coach, and I said to Officer Blaine, I said, "That looks like my coach."
8 And as we drove by, that's when Mr. Pack and Mr. Still were laughing and --
9 pointing at me and laughing.

10
11 Q They were driving your RV?

12
13 A Yes, they were driving the RV.

14
15 Q Who was driving? Mr. Parker?

16
17 A Mr. Pack was driving and Mr. Parker was sitting in the passenger seat.

18
19 Q And you now know Mr. Pack and Mr. Still and Mr. Duran to be with the
20 Federal Bureau of Investigations?

21
22 A Yes.

23
24 Q Knox County, or in Knox?

25
26 A From the discovery that I've read, yes. I don't know that other than through
27 discovery that I've read.

28
29 Q But at that time you didn't know?

30
31 A I had no idea.

32
33 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
34 **Still, Trial Transcript Volume I, Pg. 64, line 1-6**

35
36 Q Did you also retrieve or seize at that time Randall Beane's cash that he had
37 already paid to Buddy Gregg three days -- excuse me, four days prior to you taking
38 him on the 11th?

1 A Did we seize the cash? No, ma'am. We ultimately seized the motor
2 home, not any cash that I'm aware of."

3
4 Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker
5 Still, Trial Transcript Volume I Pg. 64, line 7-17

6
7 Q Okay. So on the 11th, you seized a motor home which he had bought four
8 days prior and paid cash for, but didn't grab the cash as well as part of the
9 evidence of a crime?

10
11 A No, ma'am. The – you know, you're getting into some legal stuff, you
12 know, whether you've got good faith purchasers and that kind of stuff. We seized
13 the asset that was purchased with the stolen money. The victim bank, you know
14 – or USAA, and I think this is Whitney Bank who is the correspondent bank, who
15 actually received the money, you know, that's – I mean, I don't think that money
16 has been seized. I know it hasn't. That money has never been seized."

17
18 Prosecutor Cynthia Davidson Redirect Questioning FBI Special Agent Parker
19 Still, Trial Transcript Volume I, Pg. 80, line 11-13

20
21 Q What kind of warrant were you working on on the 11th?

22
23 A That was a seizure warrant, an affidavit of seizure warrant, probable cause
24 warrant to seize the motor home.

25
26 Perpetrator and conspirator Parker Still was not trying to get an arrest

27 warrant. He covered that angle with the phony South Carolina statewide
28 misdemeanor traffic related bench warrant that had been disposed of two years
29 earlier. He was focused on taking the private property motorhome, but he didn't
30 have a seizure warrant to take it lawfully so he just broke the law and took it
31 without a seizure warrant. The due process clause requires the government to
32 afford notice and a meaningful opportunity to be heard before seizing property.

1 And private property is seized only by way of military necessity under the Lieber
2 Code.

- 3 • *Gerstein v. Pugh*, 420 U.S. 103; *Graham v. Connor*, 490 U.S. 386,
4 distinguished. **Where the Government seizes property not to preserve**
5 **evidence of criminal wrongdoing but to assert ownership and control**
6 **over the property, its action must also comply with the Due Process**
7 **Clause.** See, e.g., *Calero Toledo v. Pearson Yacht Leasing Co.*, 416 U.S.
8 663; *Fuentes v. Shevin*, 407 U.S. 67. Pp. 4-8” (United States v. James Daniel
9 Good Real Property (92-1180), 510 U.S. 43 (1993)., Ninth Circuit)

10 The FBI perpetrators and coconspirators didn’t seize the \$31,000,494.97
11 (Trial Transcript, Volume II, P. 38, Line 14 – Att. #31.3) that was transferred from
12 Mr. Beane’s treasury direct depository account to Mr. Beane’s USAA Bank
13 account as evidence. The FBI didn’t seize the \$493,110.68 used to purchase the
14 motorhome as evidence. (Att. #29.2) Why? Because they knew no crime had
15 occurred. The Buddy Gregg snitches were likely told they could keep the
16 \$493,110.68 (which was lawfully already theirs through a lawful purchase
17 transaction), and they wouldn’t face obstruction of justice charges, in exchange for
18 their willingness to cooperate and violate Mr. Beane’s rights without force of law
19 (subpoena).

20 On July 11, 2017 the FBI and their coconspirators unlawfully seized the
21 private property motorhome. It was seized and converted to the use of the
22 government without any lawful authority, without any process of law.

23 **IX) Grand Jury Witness**

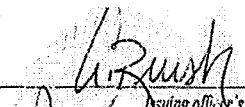
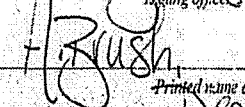
24 On/about July 18, 2017 perpetrator and conspirator Parker Still strutted
25 down to the grand jury -- fresh off participating in beating up Mr. Beane,
26 trespassing on private property, stealing private property, publicly humiliating Mr.
27 Beane by pulling down his pants (Att. #34.8), kidnapping him, and falsely
28 imprisoning him eight (8) days earlier—all without a valid arrest warrant, without



1 a seizure warrant and without a probable cause hearing -- to give knowing, willing,
2 and intentional false testimony as the ONE AND ONLY grand jury witness. There
3 was no victim or accuser testimony – just the man who committed aggravated
4 assault and battery on Mr. Beane eight days earlier, imprisoned Mr. Beane without
5 a valid warrant, seized private property without a seizure warrant and used a South
6 Carolina statewide misdemeanor traffic related bench warrant that had been
7 disposed of two years earlier to do it. Innocent until proven guilty was thrown out
8 the window. There was no due process, period!

9 Mr. Beane and Mrs. Tucci:Jarraf were indicted that day.

10 **X) Fraudulent Fictitious Signed District Court Arrest Warrant** (Att. #3,
11 #4, and #10)

12 On/about July 19, 2017, the US District Court for the Eastern District of
13 Tennessee issued an indictment arrest warrant for Mr. Beane and Mrs.
14 Tucci:Jarraf. These were special arrest warrants. They had the word “sealed”
15 stamped 2-3 times, FBI/Still at the top, numbers, dates written all
16 over it to make it look “official.” What the two arrest warrants didn’t have was the
17 signature of the clerk – Debra C. Poplin. This is how the warrants were signed:

18 
19 *Issuing officer's signature*
20 
21 *U.S. Magistrate Judge*
Printed name and title
Deputy Clerk
Return


Issuing officer's signature

U.S. Magistrate Judge
Printed name and title
Deputy Clerk
Return

1 Randall-Keith:Beane

2 United States District Court for the
3 Eastern District of Tennessee Arrest
4 Warrant not signed by the then clerk –
5 Debra C. Poplin.

6 18a U.S. Code Rule 9. Arrest Warrant or Summons on
7 an Indictment or Information

8 (b) **FORM.**

9 (1) Warrant. The warrant must conform to Rule 4(b)(1) except that it
10 must be signed by the clerk and must describe the offense charged in the
11 indictment or information.

12 Att. #3, #4, and #10

Heather-Ann:Tucci:Jarraf

United States District Court for the
Eastern District of Tennessee Arrest
Warrant not signed by the then clerk –
Debra C. Poplin.

Below is Debra C. Poplin's signature on a
document in a different matter. (Document 45,
case 3:18-cv-00411-DCP, Filed 06/03/19)

It was announced on/about Sept. 13, 2017 (2
months after Beane's arrest) that U.S. District
clerk Poplin was appointed U.S. Magistrate
Judge for the Eastern District of Tennessee. Her
term began Feb. 13, 2018. She succeeded Chief
Magistrate Judge C. Clifford Shirley Jr., who
retired.

ENTER:


Debra C. Poplin
United States Magistrate Judge

13 Who is A. Brush? At the time the fraudulent indictment arrest warrants
14 were issued the clerk was Debra C. Poplin. The arrest warrants should have been
15 signed by her in accordance with Rule 9. Arrest Warrant on an Indictment – “(b)
16 **FORM.** (1) Warrant. The warrant must conform to Rule 4(b)(1) except that “it
17 must be signed by the clerk...” -- not a deputy! (Att. #10)

18 The arrest warrants appear to be forged fictitious fraudulent falsified
19 government documents. The court directory did not show an A. Brush or a
20 “deputy clerk” position in the US District Court for Eastern Tennessee.

Court Directory

Clerk's Office

John L. Medearis, Clerk of Court, (423) 752-5200

LeAnna Wilson, Chief Deputy Clerk, (865) 545-4228

Division Managers

Russell Eslinger	Chattanooga & Winchester	(423) 752-5200	russell_eslinger@tned.uscourts.gov
Rick Tipton	Greeneville	(423) 639-3105	rick_tipton@tned.uscourts.gov
Kathy Keeton	Knoxville	(865) 545-4228	kathy_keeton@tned.uscourts.gov

There is a “chief deputy clerk” position. The chief deputy clerk for 17 years was John Medearis. He was promoted to the clerk of court February 13, 2018 and the then clerk of court (Debra C. Poplin) was promoted to replace magistrate judge C. Clifford Shirley. John Meaderis was the chief deputy clerk for seventeen years prior to his 2018 promotion. Again, who is A. Brush?

Why didn’t the clerk, Debra C. Poplin, sign those fraudulent indictment arrest warrants? The largest part of a court clerk’s job is handling court records. Why didn’t Debra C. Poplin screen and audit the arrest warrants as she would other documents submitted in the federal courts to ensure that they complied with legal requirements? The warrants are invalid and void, and a prosecution and verdict of guilty does not make an unlawful arrest lawful.

The arrest warrants are invalid because they were not signed by then clerk Debra C Poplin. The warrants are fictitious and fraudulent in violation of 18 U.S.

1 Code § 1001 (a) (1) (2) (3). (Att. #21) The false, fictitious, fraudulent statements,
2 representations, and documents (arrest warrants) occurred prior to the beginning of
3 judicial proceedings. Keep in mind they skipped a probable cause hearing. The
4 only hearing held was a few hours of perpetrator and conspirator Parker Still's
5 testimony before a grand jury so the FBI and US Attorney could get an indictment
6 to have a fictitious clerk issue fraudulent arrest warrants and move toward judicial
7 proceedings. They knew they could not get a probable cause arrest warrant. Not
8 even a crooked magistrate or judge would go for such blatant violation of law. The
9 grand jury, on the other hand, was a different story. They had a great deal of faith
10 they could manipulate, threaten, or buy the grand jury indictment.

11 **DEFINITION:**

12
13 **JUDICIAL PROCEEDING** -- "Any proceeding wherein judicial action is
14 invoked and taken." (Black's Law Dictionary, 4th Edition, Page 986)

15
16 Perpetrator and coconspirator Parker Still was questioned under oath why he
17 arrested Mr. Beane on the 11th but didn't get a Tennessee warrant until the 19th.
18 Still explains he used the disposed of South Carolina warrant until he could get the
19 fraudulent fictitious Tennessee warrant.

20
21 **Randall-Keith:Beane Cross Examination of Parker Still, Trial Transcript**
22 **Volume VII, P. 58, Line 5-18**

23
24 Trial excerpt:

25
26 Q You are right. It was the 11th -- I mean, the 19th -- why would it take so
27 many days between the 11th and the 19th to come up with this warrant from the
28 FBI?
29

1 A Well, Mr. Beane, there was a grand jury date in between. So just to explain
2 the Exhibit 165, like I was shown, that was the e-mailed copy of the warrant that
3 was sent to me. That was the one from South Carolina.

4
5 Q The alleged warrant?

6
7 A Your words, sir. And then the -- this -- there would have been a grand jury
8 date in between, so I would have gone in front of the grand jury. The grand jury
9 would have issued what we call a true bill, an indictment, and that's when we
10 would have had it served out there at the jail.

11
12 **XI) Tennessee Arrest Law**

13
14 Given they used a disposed of South Carolina statewide arrest warrant and a
15 fictitious signed Tennessee district court indictment arrest warrant it is obvious the
16 perpetrators and coconspirators were also in violation of Tennessee arrest
17 requirements. Perpetrator and conspirator Parker Still testified as follows:

18 **Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial**
19 **Transcript, Volume I, P. 44-45, Line 10-25, 1-4**

20
21 Q So within the laws and the statutes and the codes and the constitution and
22 your own FBI policy standards. Is that correct? That limits what kind of
23 actions you can take?

24
25 A **No, ma'am. I wouldn't limit.** I wouldn't say that even limits us. Because, I
26 mean, **in a state like Tennessee**, you know, where we have -- we have --
27 might even have -- in a lot of states, **we might have something called like a**
28 **peace officer status** or something where **we can even enforce the laws of**
29 **the State of Tennessee**. So, I mean, it's hard to limit when you start, you
30 know, saying, you know, this code or that code or this or that. So I can't
31 agree to that statement.

32
33 Q So you would do -- you're stating that you could do any actions regardless if
34 there's codes, statutes, actual laws that you're supposed to follow?

1 A No, ma'am. I can't do any actions. I am bound by, you know, rules and
2 regulations. And you did -- you said a lot of them that we are bound by, the
3 United States Constitution, the FBI internal rules, Department of
4 Justice, big umbrella, you know, that we fall under. State of Tennessee, you
5 know, I mean, there's a lot of rules and regulations out there.

6
7 Perpetrator and conspirator Parker Still states he can enforce the laws of
8 Tennessee. There is NOTHING in 18 U.S. Code § 3052 (Att. #15) that allows him
9 to enforce Tennessee law. However, he was obligated to adhere to Tennessee laws
10 and rules:

11 2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 - Warrants
12 Part 1 - Search Warrants § 40-6-103. Probable cause and affidavit.
13 Universal Citation: TN Code § 40-6-103 (2018) (Att. #52)
14

15 A search warrant can only be issued on probable cause, supported by
16 affidavit, naming or describing the person, and particularly describing the property,
17 and the place to be searched.

18 2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 - Warrants
19 Part 1 - Search Warrants § 40-6-104. Examination of complainant.
20 Universal Citation: TN Code § 40-6-104 (2018) (Att. #53)
21

22 The affidavits must set forth facts tending to establish the grounds of the
23 application, or probable cause for believing the grounds exist.

24 2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 - Warrants
25 Part 2 - Arrest Warrants § 40-6-216. Copies of warrants. Universal Citation:
26 TN Code § 40-6-216 (2018) (Att. #55)
27

28 (a) A criminal defendant...shall have the right to...receive...a copy of any
29 warrant...

1 **2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 -- §40-6-208.**

2 **Contents of warrant.** (Att. #54)

3 (d) The warrant shall include a copy of the affidavit of complaint.

4 Not only did the perpetrators and conspirators not give Mr. Beane a copy of
5 the alleged warrant, they wouldn't tell him why he was being arrested. (Att.
6 #34.10)

7 **XII) No FBI Jurisdiction and No US Attorney Jurisdiction** (Att. #15, #16.1,
8 #16.2, #17, and #18)

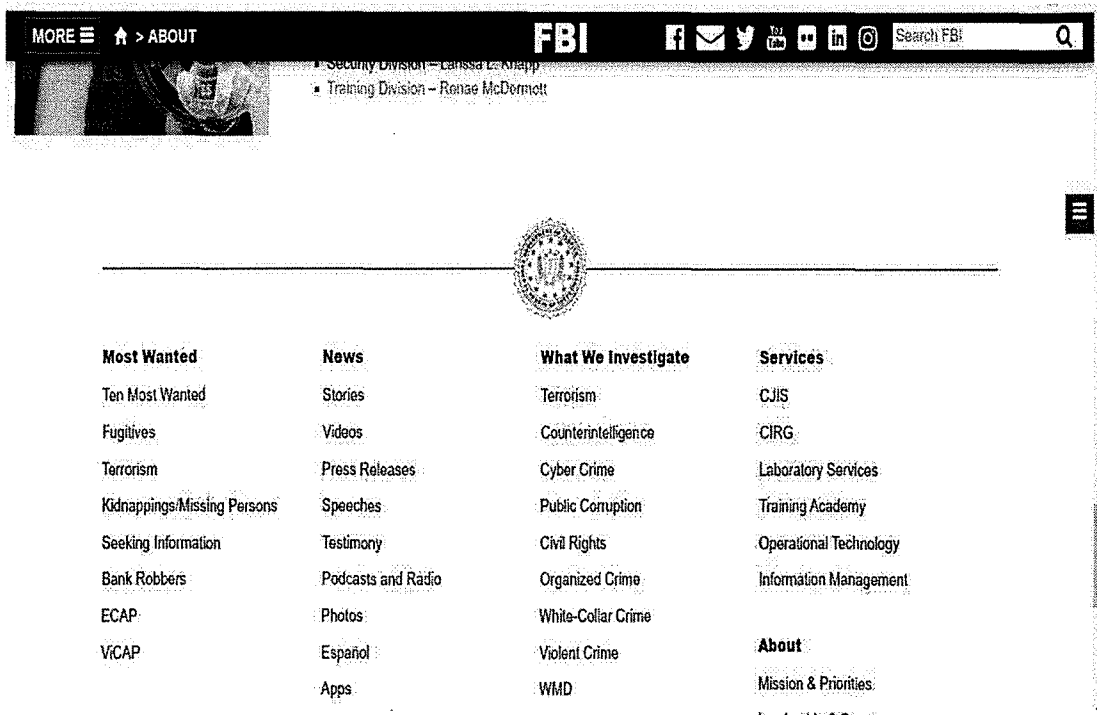
9 **No FBI Jurisdiction**

10 The FBI did not have jurisdiction. Upon what authority did perpetrator and
11 coconspirator Parker Still believe he had jurisdiction to make an arrest of a private
12 American engaged in a private business transaction? None! No authority!

13 The Knoxville FBI website has the following: **What We Investigate:**

- 14• Terrorism
- 15• Counterintelligence (N/A)
- 16• Cyber Crime
- 17• Public Corruption
- 18• Civil Rights
- 19• Organized Crime
- 20• **White-Collar Crime**
- 21• Violent Crime
- 22• WMD

23
24 **<https://www.fbi.gov/contact-us/field-offices/knoxville>**



Perpetrator and conspirator FBI special agent Parker Still tried to gain jurisdiction by calling it a “white-collar crime.” White collar crimes are his specialty. Grand Jury Transcript:

Cynthia F. Davidson Questioning Parker Still, Grand Jury Transcript, P. 2-3, Line 25, 1-5

Q And do you have a specialization at the FBI? Are you in a squad? Do you investigate a specific type of cases?

A Yes, ma’am. I handle primarily white collar cases involving, you know, bank fraud, wire fraud, mail fraud, general financial crimes.

Here’s the **FBI definition** of white collar crime from their website:

“Reportedly coined in 1939, the term **white-collar crime is** now synonymous with the full range of **frauds committed by business and**

1 **government professionals**. These crimes are characterized by deceit,
2 concealment, or violation of trust and are not dependent on the application or threat
3 of physical force or violence.

4 The FBI's white-collar jurisdiction is over **business and government** – not
5 private Americans engaged in a private transaction.



9 Reportedly coined in 1939, the term white-collar crime is now synonymous with the full range of frauds committed by business and government professionals. These crimes are
10 characterized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. The motivation behind these crimes is
11 financial—to obtain or avoid losing money, property, or services or to secure a personal or business advantage.

12 Perpetrator and conspirator Parker Still did not have jurisdiction and he
13 knew it, but it didn't stop him from committing private property trespass,
14 aggravated assault, kidnapping, stealing private property and falsely imprisoning
15 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

16 According to 18 USC 3052 – **Powers of Federal Bureau of Investigation** –
17 “... **agents** of the Federal Bureau of Investigation of the Department of Justice
18 may carry firearms, **serve warrants and subpoenas issued under the authority**
19 **of the United States** and make arrests without warrant for any **offense against**
20 **the United States** committed in their presence, or for any felony

1 **cognizable** under the laws of the United States if they have reasonable grounds to
2 believe that the person to be arrested has committed or is committing such felony.

3 **DEFINITION**

4 Cognizable Law and Legal Definition

5 Cognizable means capable of being known or considered. It means capable
6 of being judicially tried or examined before a designated tribunal. A cognizable
7 claim or controversy is one that meets the basic criteria of viability for being tried
8 or adjudicated before a particular tribunal. The term means that the claim or
9 controversy is within the power or jurisdiction of a particular court to adjudicate.

10 **That which is cognizable to a judge is within the scope of his or her**
11 **jurisdiction.** (<https://definitions.uslegal.com/c/cognizable/>)

12 This case was not within the scope of the Tennessee District Court according
13 to the two ways for a federal court to gain subject matter jurisdiction. (Att. #6)
14 Perpetrator and conspirator Parker Still did not have a cognizable interest in the
15 case. He lacked standing and jurisdiction to initiate the case against Randall-
16 Keith:Beane and Heather-Ann:Tucci:Jarraf. The plaintiff and the perpetrators
17 and coconspirators did not have an interest in Mr. Beane's private business
18 transaction. They had no legal or lawful authority to arrest Mr. Beane.

1 18 USC 3052 says the FBI can “make arrests without warrant for any
2 offense against the United States committed in their presence...” There was no
3 offense committed against the United States or the United States of America.

4 **Parker Still Cross-examined by Heather-Ann:Tucci:Jarraf, Trial Transcript**
5 **Volume I, P. 45, Line 12-18:**

6 Q Okay. But let’s go into the probable cause. That day, do you believe that
7 you had probable cause that day to arrest Randy Keith Beane?

8 A Without a doubt, ma’am. He is sitting in a vehicle purchased with stolen
9 money with the vehicle running. You better believe I had probable cause. I saw **it**
10 with my own two eyes.”

11 An officer cannot make a determination with regard to probable cause. That
12 is the job of a judge. What is the “it” he saw with his own two eyes? He saw Mr.
13 Beane sitting in private property with the motor running. How did he determine on
14 the spot that the vehicle was purchased with “stolen money?” Without
15 investigating or interviewing Mr. Bean perpetrator and conspirator Parker Still
16 concluded that Mr. Beane had committed an offense against the United States and
17 he proceeded to trespass upon private property, commit aggravated assault against
18 Mr. Beane, steal private property, kidnap and falsely imprison Mr. Beane -- all
19 because he saw Mr. Beane sitting in private property with the engine running.
20 That was perpetrator and conspirator Parker Still’s probable cause. Mr. Beane
21 explained why the engine was running (not that it was any of perpetrator and
22 conspirator Still’s business):

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Randall-Keith:Beane, Trial**
2 **Transcript Volume V, P 103, Line 21-24**

3
4 A No, not at that point. At that point, Al -- Val was -- she felt like she was
5 getting a heatstroke. So we got the RV started and she got inside to where she
6 could cool off.

7
8 “White-collar crime” was not the only argument the FBI and US attorney
9 perpetrators and coconspirators used to take jurisdiction. They also argued the
10 financial institutions involved were FDIC insured. This was to create standing.

11 During the grand jury hearing and trial the perpetrators said:

- 12 • A It’s -- the banking part of USAA is federally **backed by** the Federal
13 Deposit Insurance Corporation commonly referred to as **the FDIC**.”
14 (Cynthia Davidson Questioning Parker Still -- Grand Jury Transcript, Pg. 3,
15 line 18-20)

- 16
17 • Q Okay. During the **theft from the defendant**, Randall Keith Beane,
18 roughly July 30 – I’m sorry, July 3rd, 2017 through July 10th, 2017, was
19 **USAA Bank FDIC insured?**

20
21 A Yes. (Prosecutor Cynthia Davidson Questioning Monica Alcala, Trial
22 Transcript Volume II, Pg. 38, line 4-7 – Att. #31.3)

- 23
24 • Q All right. Whitney Bank. And so is Whitney Bank **FDIC insured?**

25
26 A Yes. . (Prosecutor Anne-Marie Svolto Questioning Lauren
27 Palmisano -- Trial Transcript VOLUME III, Pg. 112, line 3-5)

28
29 REMEMBER: (1) There was no loss to the US government (Att. #33.2), (2) No
30 FDIC claim filed, and (3) The FDIC does not insure robberies and other thefts.
31 (Att. #36)

32 **No US Attorney Jurisdiction**

1 United States Attorneys jurisdiction extends to “all offenses against the
2 United States.” (Att. #18) There was no offense against the United States by
3 Randall-Keith:Beane or Heather-Ann:Tucci:Jarraf.

4 The perpetrators could not provide evidence that the United States of
5 America sustained an injury that would give rise to a cause of action/standing.
6 (Att. #33.2) In piecing together their fraudulent “felony” fraud and money
7 laundering case they had to create an injury for the United States of America by
8 connecting the FDIC to the case -- implying an FDIC claim was made and paid.
9 But the FDIC had nothing to do with the case.

10 The FDIC does not insure ‘robberies, thefts, and other causes of
11 disappearing funds.’ (Att. #36) The perpetrators knew there was no FDIC claim
12 and the FDIC had nothing to do with the case but they decided to make that link
13 regardless of the deception. It was an intentional perversion of the truth for the
14 purpose of inducing the grand jury to indict and the trial jury to convict.

15 The perpetrators and conspirators said they considered USAA Bank to be
16 their “victim,” not the United States of America. They tell us here:

- 17 • A “In this case, **USAA is our victim.**” (Prosecutor Cynthia Davidson
18 Questioning FBI Special Agent Parker Still, Trial Transcript Volume I, Pg.
19 24, line 19-20)
20
21 • Q **So at that point, you had determined that USAA Bank was the**
22 **victim before looking at any other information?**
23

1 **A I – at that time, yes.** (Heather-Ann:Tucci:Jarraf Cross-Examination
2 of FBI Special Agent Parker Still, Trial Transcript Volume I, Pg. 50-51, line
3 25; 1-2)
4

- 5 • **A The victim bank, you know – or USAA”** (Heather-Ann:Tucci:Jarraf
6 Cross-Examination of FBI Special Agent Parker Still, Trial Transcript
7 Volume I, Pg. 64, line 13)
8

9 The perpetrators and conspirators said the victim was USAA Bank. They
10 admitted several times to deceiving the grand jury and trial jury into believing the
11 United States of America was the victim plaintiff. There clearly was no offense
12 against the United States or the United States of America. The United States of
13 America did not have standing. No one had jurisdiction.

14 **XIII) No Federal Jurisdiction**

15 How did perpetrators and coconspirators Thomas A.Varlan and C. Clifford
16 Shirley get subject matter and personal jurisdiction? Can they just decide
17 themselves they have jurisdiction? No, but that’s what they did.

18 Given the FBI did not have jurisdiction, and they appear to be the lead
19 perpetrators of this conspiracy, the US attorneys and district court certainly did not
20 have jurisdiction.

21 **Proceedings Before C. Clifford Shirley, Jr., October 18, 2017, P. 40-42, Line**
22 **20-25; 1-25; 1-2)**
23

24 Here’s perpetrator and conspirator C. Clifford Shirley’s position:
25

26 **THE COURT:** Are you aware that the district courts, like this one, **have original**
27 **jurisdiction over all criminal offenses against the laws of the United States by**
28 **statute?**

1 MS. TUCCI-JARRAF: When was that statute made and entered?

2
3 THE COURT: I don't know. 18 U.S. Code Section 3231, I'm sure you're aware of
4 that, having gone to law school. Right?

5
6 MS. TUCCI-JARRAF: When was that actually entered? My point is, unless it's
7 dated after March 13th -- excuse me, March 18th, 2013, along with a newly issued
8 constitution and everything, I know they've already tried to reincorporate. All
9 of our people at BIS, they've tried to reincorporate the corporation, but they could
10 not.

11
12 THE COURT: So your position is that, even though that's been the law of the land
13 since the founding of the country, if it hasn't been redone since you filed your
14 financing statement, it's no good, it's not good law, the district courts do not have
15 original jurisdiction over all the criminal offenses against the United States?

16
17 MS. TUCCI-JARRAF: Well, the court never had original jurisdiction -- or the
18 United States is only a ten square mile, if you've been to D.C. And then as far as
19 branching it out, that's where the fraud has occurred under the old statutes.
20 I'm saying that at this point, the federal corporation does not exist. I have not
21 received any sworn documentation rebutting any of that to prove that it does exist.
22 And, you know, we're all having a conversation here, but none of it actually
23 counts, only because we still have not received the authority, sworn declaration,
24 sworn documentation, verified and validated by you or Anne-Marie Svolto or
25 Cynthia Davidson stating your authority and jurisdiction, so therefore,
26 we're just having a conversation here.

27
28 There are probably 99 reasons why perpetrators and conspirators Thomas A.

29 Varlan and C. Clifford Shirley did not have jurisdiction. Heather-

30 Ann:Tucci:Jarraf's UCC filings is certainly a big one. Here are a few more

31 reasons:

32 1) Federal question jurisdiction is one of the two ways for a federal court to

33 gain subject matter jurisdiction over a case - 28 U.S. Code § 1331 and the

1 other way is through diversity jurisdiction - 28 U.S. Code § 1332. (Att. #5,
2 #6 and #7). They both pertain to civil actions.

3 2) **Court of Record** -- According to 28 U.S. Code § 132(a). Creation and
4 composition of district courts – “**a district court shall be a court of**
5 **record**.” (Att. #8) A court of record must proceed according to common
6 law – not statute. In a court of record the judge does ministerial functions
7 and has no discretion in a court of record. He’s a referee. Here’s a
8 definition of “court of record:”

9 **DEFINITION**

10 A “**court of record**” is a judicial tribunal having attributes and exercising
11 functions independently of the person of the magistrate designated generally to
12 hold it, and proceeding according to the course of common law, its acts and
13 proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App.
14 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J.
15 See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689. (Black’s Law
16 Dictionary, 4th Edition, Pg. 426) (Att. #9.2)

17 **COMMON LAW**. That which derives its force and authority from the
18 universal consent and immemorial practice of the people. See Law, common.
19 (Bouvier Law Dictionary, 1856 Edition, Page 379)

1 **LAW, COMMON.** The common law is that which derives its force and
2 authority from the universal consent and immemorial practice of the people. **It has**
3 **never received the sanction of the legislature, by an express act, which is the**
4 **criterion by which it is distinguished from the statute law.** (Bouvier Law
5 Dictionary, 1856 Edition, Page 1039)

6 Perpetrators and coconspirators Thomas A Varlan and C. Clifford Shirley,
7 Jr. did not have the power and authority of law to do the particular acts they did.
8 That didn't matter to them because they had a role to fulfill as coconspirators, and
9 they were running a human trafficking court – not an Article III court or court of
10 record. It was not a court of competent jurisdiction.

11 3) **Lack of Standing** – In Lujan v. Defenders of Wildlife (90-1424), 504 U.S.
12 555 (1992), the Supreme Court created a three-part test to determine whether
13 a party has standing (<https://www.law.cornell.edu/wex/standing>):

14 a. The plaintiff must have **suffered an "injury in fact,"** meaning that the
15 injury is of a legally protected interest which is (a) concrete and
16 particularized and (b) actual or imminent.

17
18 Sean O'Malley of the New York Federal Reserve Bank made it clear –
19 **"there was no loss to the U.S. government"** (Heather-Ann:Tucci:Jarraf
20 Cross-examination of Sean O'Malley, Trial Transcript VOLUME 4, P.18,
21 Line 12-13)

22 b. There must be a causal connection between the injury and the conduct
23 brought before the court
24

1 c. It must be likely, rather than speculative, that a favorable decision by the
2 court will redress the injury. (Att. #25)

3 The Plaintiff, United States of America, did not have Article III standing.
4 They did not satisfy the standing doctrine's core requirement that they allege
5 personal injury fairly traceable to Randall-Keith:Beane and Heather-
6 Ann:Tucci:Jarraf. In fact, the "United States of America" is a piece of paper and
7 can't establish anything.

8 4) **No FBI Jurisdiction** – the perpetrators and coconspirators at the FBI did not
9 have jurisdiction. According to 18 USC 3052, the FBI can “make arrests
10 **without warrant for any offense against the United States committed in**
11 **their presence,”** or for a cognizable felony. No offense was committed
12 against the United States or the United States of America, and there was no
13 cognizable felony. (Att. #15 and 16.1) The perpetrators and conspirators
14 don't even use the word “felony.”

15 5) The perpetrators and conspirators tried to create an injury to gain standing
16 by tying the FDIC into their plot but the FDIC says – robberies and other
17 causes of disappearing funds are not insured by the FDIC. (Att.# 36)

18 <https://www.fdic.gov/deposit/covered/notinsured.html>
19
20
21
22
23
24



ABOUT

RESOURCES

ANALYSIS

NEWS



Other situations not insured by the FDIC:

Safe Deposit Boxes - The contents of a safe deposit box are not insured by the FDIC. (Make sure you read the contract you signed with the bank when you rented the safe deposit box in the event that some other type of insurance is provided; some banks may make a very limited payment if the box or contents are damaged or destroyed, depending on the circumstances.) If you are concerned about the safety, or replacement, of items you have put in a safe deposit box, you may wish to consider purchasing fire and theft insurance. Usually such insurance is part of a homeowner's or tenant's insurance policy for a residence and its contents. Again, consult your insurance agent for more information.

In the event of a bank failure, in most cases an acquiring institution would take over the failed bank's offices, including locations with safe deposit boxes. If no acquirer can be found the FDIC would send boxholders instructions for removing the contents of their boxes.

Robberies and Other Thefts - Stolen funds may be covered by what's called a banker's blanket bond, which is a multi-purpose insurance policy a bank purchases to protect itself from fire, flood, earthquake, robbery, defalcation, embezzlement and other causes of disappearing funds. In any event, an occurrence such as a fire or bank robbery may result in a loss to the bank but should not result in a loss to the bank's customers.

Unauthorized access to your funds may be covered by the Electronic Funds Transfer Act and other consumer protections. If a third party somehow gains access to your account and transacts business you did not authorize, you must contact the bank as soon as you notice the loss to learn about their procedures for protecting your rights.

How to File a Complaint

If you have a problem or a concern with a deposit or investment, try to resolve your complaint directly with an officer of the bank or firm before involving an outside agency. Financial institutions value their customers and most will be helpful. If you are unable to resolve the matter with the financial institution, use the following guidelines to determine where to direct your complaint.

If your complaint is against a salesperson who represents a third-party investment firm, call the number below for instructions on where to write:

The Financial Industry Regulatory Authority (www.finra.org)
(formerly the National Association of Securities Dealers)
(301) 590-6500

If your complaint or inquiry is about a specific financial product or investment, contact:

Below are excerpts from perpetrator and conspirator Parker Still going on and on about a "bank robbery" and "stolen money -- neither of which occurred nor would be covered by the FDIC if they had occurred.

Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript, Volume I, P. 25-26, Line 24-25, 1-2

A All of a sudden, we have information that Buddy Gregg is going to turn it over or he is going to leave in this motor home. So, yeah, it was similar to a **bank robbery**. I grabbed Special Agent Jimmy Durand. We literally run towards the door."

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
2 **Transcript Volume I, P. 57-58, Line 24-25; 1-3**

3
4 A I think we're getting a little off track here. I mean, you know, **when an FBI**
5 **gets a call that a bank is getting robbed**, we don't sit there and say, "Hey, do you
6 know" – I mean, we don't ask a million questions. We go. That's what we did
7 today or did then."

8 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
9 **Transcript Volume I, P. 64, Line 7-17**

10
11 Q Okay. So on the 11th, you seized a motor home **which he had bought four**
12 **days prior** and paid cash for, but didn't grab the cash as well as part of the
13 evidence of a crime?

14
15 A No, ma'am. The – you know, you're getting into some legal stuff, you
16 know, whether you've got good faith purchasers and that kind of stuff. **We seized**
17 **the asset that was purchased with the stolen money.** **The victim bank, you**
18 **know – or USAA, and I think this is Whitney Bank who is the correspondent**
19 **bank, who actually received the money, you know, that's – I mean, I don't think**
20 **that money has been seized. I know it hasn't.** **That money has never been**
21 **seized.**"

22
23 **Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript,**
24 **Volume I, P. 24-25, Line 24-25, 1-3**

25
26 A We know he used funds to purchase a – **used stolen funds to purchase an**
27 **RV.** We don't know anything else about, you know, what his ultimate intent with
28 that. It's 45 feet. You know, you can imagine our – what, you know – the
29 possibilities are unlimited." (You see how this slickster inflamed the jury by
30 **hinting at terrorism?** If he had bothered to speak with and interview Mr. Beane
31 he would have known his exact intentions. He simply wanted to plant the idea of
32 terrorism in the mind of the jurors.)

33
34 **Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript,**
35 **Volume I, P. 30, Line 22-24**

36
37 Q Do you recognize those pictures?
38

1 A Yes. That is the motor home that was – that Mr. Beane was on the day that
2 was purchased with stolen money.”

3
4 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
5 **Transcript Volume I, P. 45, Line 12-18**

6
7 Q But let’s go into the probable cause. That day, do you believe that you had
8 probable cause that day to arrest Randy Keith Beane?

9
10 A Without a doubt, ma’am. He is sitting in a vehicle purchased with stolen
11 money with the vehicle running. You better believe I had probable cause. I saw it
12 with my own two eyes.”

13
14 Probable cause is determined by the court—not the officer.

15
16 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
17 **Transcript Volume I, P. 48-49, Line 20-25, 1**

18
19 Q what actual information had you received that there was actually a possible
20 crime committed by Mr. Beane to believe that the RV wasn’t his?

21
22 A The information primarily from what I’ve stated from USAA at the time.
23 That’s what we were relying on, that information from USAA that is telling us
24 that their money has been stolen.”

25
26 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
27 **Transcript Volume I, P. 53-54, Line 25, 1-6**

28
29 Q Okay. So at no other time prior to that had you actually tried to figure out
30 whether that money could possibly be Mr. Beane’s?

31
32 A We had information from USAA, ma’am, that we – credible, reliable
33 information from their financial investigators that this money was stolen. That’s
34 what we were working with at the time.”

35
36 All of their squawking about “stolen money,” in a case where there was no
37 charge of robbery or theft, did not change the fact that there was no FDIC claim or
38 coverage – and no injury or standing.

1 6) **No Valid Arrest Warrant** – the arrest warrant the perpetrators and
2 coconspirators used on July 11, 2017 was a South Carolina statewide
3 misdemeanor traffic related bench warrant that had been disposed of two
4 years earlier. It was not a valid warrant. The warrants issued by the US
5 district court for Eastern Tennessee on July 19, 2017 were fraudulent and
6 fictitious signed. They were not signed by the then clerk, Debra Poplin. The
7 signer, “A. Brush” appears not to exist.

8 7) **Lack of Subject Matter and Personal Jurisdiction** –
9

10 Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf challenged the
11 jurisdiction of the court. The court did not have jurisdiction to determine its
12 own jurisdiction. It did not have the power to act in the first place to have
13 the authority to decide the question.

14 8) **Denial of Due Process** –

15 When perpetrator and conspirator C. Clifford Shirley approved the
16 detention hearing waiver he failed to safeguard the legal process which
17 amounted to a denial of due process of law thereby depriving the court of
18 juris.

19 If jurisdiction does not exist there can be no valid judgment.
20 Perpetrators and coconspirators Thomas A. Varlan and C. Clifford Shirley
21 proceeded in excess of jurisdiction and they trespassed the law.

1 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were not arrested
2 – **they were kidnapped** – abducted! Kidnapping is a felony!

3 A judgment rendered by a court without personal jurisdiction over the
4 defendant is void. It is a nullity. Every judgment they made is a nullity.

5 Perpetrators and coconspirators Thomas A. Varlan and C. Clifford
6 Shirley clearly acted in a manner inconsistent with due process.

7 Perpetrators and coconspirators Thomas A. Varlan, Cynthia F.
8 Davidson and Ann-Marie Svolto all knew they did not have jurisdiction.
9 They moved to deny Mr. Beane and Mrs. Tucci:Jarraf the right to even
10 challenge jurisdiction. (Court Doc. 90, Att. #64.1, #64.2, #64.3)

11 Court Document 90 excerpt:

12 Accordingly, the Court hereby GRANTS the government's Motion in
13
14 Limine to Prohibit Jurisdictional Argument [Doc. 78]. It is therefore ORDERED
15 that the **defendants are prohibited from offering any evidence, testimony, or**
16 **argument at trial concerning the following subjects:**

- 17 • whether this Court has subject-matter jurisdiction over these
18 proceedings;
- 19 • whether the United States government is defaulted, has been foreclosed,
20 or is otherwise legally impaired; and
- 21 • whether the United States government has legal authority to bring a
22 prosecution of the defendants for the charged offenses. (Memorandum
23 Opinion and Order to the Government's Motion in Limine to Prohibit
24 Jurisdictional Argument, Doc. 90, P. 8, first paragraph) Att. #64.3
25
26

1 Perpetrator and coconspirator Thomas A. Varlan denied Randall-

2 Keith:Beane and Heather-Ann:Tucci:Jarraf the right to challenge jurisdiction.

3 This was not a rule of law court. It was a kangaroo court in which a plot and

4 conspiracy to falsely imprison Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf

5 was underway and each had to fulfill their role in the conspiracy. Make no mistake

6 about it, they all knew they did not have jurisdiction and that's why they moved to

7 cut off all argument regarding the matter. This was a network of corruption.

8 9) **Article III** -- **Section 2** (Att. #27)

9 The judicial power shall extend to...controversies to which the United

10 States shall be a party... (Att. #27)

11 Perpetrators and coconspirators Thomas A. Varlan and C. Clifford Shirley

12 weren't running an Article III court. It was a human trafficking court.

13 10) **18 U.S. Code § 3231** -

14 Perpetrators and coconspirators C. Clifford Shirley and Thomas A. Varlan

15 said their jurisdiction comes from congress and 18 USC § 3231. (Att. #24)

16 Congress cannot give power it does not have. Congress' power is finite as

17 enumerated in the constitution. If congress wants to do something beyond the

18 eighteen tasks enumerated in the constitution they must follow Article V and seek

19 to amend the constitution. This is how the law is made and changed.

1 There's no doubt they are fully aware congress' powers are limited by the
2 constitution to the following **eighteen tasks**:

- 3 • The Congress shall have power to lay and collect taxes, duties, imposts and
4 excises, to pay the debts and provide for the common defence and general
5 welfare of the United States; but all duties, imposts and excises shall be
6 uniform throughout the United States;
7
- 8 • To borrow money on the credit of the united states;
9
- 10 • To regulate commerce with foreign nations, and among the several states,
11 and with the Indian Tribes;
12
- 13 • To establish an uniform Rule of Naturalization, and uniform Laws on the
14 subject of Bankruptcies throughout the United States;
15
- 16 • To coin money, regulate the value thereof, and of foreign coin, and fix the
17 standard of weights and measures;
18
- 19 • To provide for the punishment of counterfeiting the securities and current
20 coin of the United States;
21
- 22 • To establish Post Offices and post roads;
23
- 24 • To promote the progress of science and useful arts, by securing for limited
25 times to authors and inventors the exclusive right to their respective writings
26 and discoveries;
27
- 28 • To constitute Tribunals inferior to the supreme court;
29
- 30 • To define and punish piracies and **felonies committed on the high seas**, and
31 offences against the Law of Nations;
32

- 1 • To declare war, grant letters of marque and reprisal, and make rules
2 concerning captures on land and water;
3
- 4 • To raise and support armies, but no appropriation of money to that use shall
5 be for a longer term than two years;
6
- 7 • To provide and maintain a navy;
8
- 9 • To make **rules for the government** and regulation of the land and naval
10 forces;
11
- 12 • To provide for calling forth the militia to execute the laws of the Union,
13 suppress insurrections and repel invasions;
14
- 15 • To provide for organizing, arming, and disciplining, the militia, and for
16 governing such part of them as may be employed in the Service of the
17 United States, reserving to the States respectively, the appointment of the
18 officers, and the authority of training the militia according to the discipline
19 prescribed by congress;
20
- 21 • To exercise exclusive Legislation in all cases whatsoever, over such district
22 (not exceeding ten miles square) as may, by cession of particular states, and
23 the acceptance of congress, become the seat of the government of the United
24 States, and to exercise like authority over all places purchased by the consent
25 of the legislature of the state in which the same shall be, for the erection of
26 forts, magazines, arsenals, dock-yards, and other needful buildings; and
27
- 28 • **To make all laws which shall be necessary and proper for carrying into**
29 **execution the foregoing powers**, and all other powers vested by this
30 constitution in the government of the United States, or in any department or
31 officer thereof. (Att. #28)

32 If perpetrators and coconspirators C. Clifford Shirley and Thomas A. Varlan

33 believe their “congressional jurisdiction” comes from task #9 (“To constitute

1 Tribunals inferior to the supreme court") they would be wrong. Task #9 involves
2 setting up Article I legislative courts with regard to carrying out the other 17 tasks.
3 The jurisdiction with which congress is invested is not a part of the judicial power
4 which is defined in Article III of the constitution. Constitutional courts exercise
5 the judicial power described in Art. III of the Constitution; legislative courts do
6 not.

7 Perpetrators and coconspirators C. Clifford Shirley and Thomas A. Varlan
8 did not get jurisdiction from 18 USC § 3231. "... Congress cannot by
9 authorization or ratification give the slightest effect to a state law or constitution
10 which is in conflict with the Constitution of the United States." (16Am Jur 2d.,
11 Sec. 258) "It is a proposition too plain to be contested, that the constitution
12 controls any legislative act repugnant to it; or, that the legislature may alter the
13 constitution by an ordinary act." (William Marbury v. James Madison, Secretary
14 of State of the United States, 5 U.S. 137, 1 Cranch 137, 2 L.Ed, 60 (1803)) "All
15 laws, rules and practices which are repugnant to the Constitution are null and void.
16 (Marbury v. Madison, 5th US (2 Cranch) 137, 180)

17 11) **1 US Code § 204 (Code and Supplements as Evidence of the Law –**
18 **1 U.S. Code § 112 (Statutes at Large; contents; admissibility in evidence –**
19 **(Att. #19 and 20)**
20

21 Corporations cannot create law so they create code. Code is not law. The
22 US Code is evidence of the law, it is not the law. US Code is a creation of the

1 corporate congress and applies under congresses task #14 (“To make rules for the
2 government...”) to those in positions of emolument and those who have acted
3 against the United States corporation.

4 According to U.S. v. Lee, “Where there is no jurisdiction, there can be no
5 discretion;” All the officers of the government, from the highest to the lowest, are
6 creatures of the law and are bound to obey it.... It is the only supreme power in our
7 system of government, and every man who, by accepting office participates in its
8 functions, is only the more strongly bound to submit to that supremacy, and to
9 observe the limitations which it imposes on the exercise of the authority which it
10 gives.” (U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171; 1882)

11 Perpetrators and coconspirators Cynthia F. Davidson, Anne-Marie Svolto, C.
12 Clifford Shirley and Thomas A. Varlan did not cite law in the indictment (Att.
13 #71.1-71.8), the fake arrest warrants (Att. #3 and #4), or the jurisdiction report and
14 recommendation (Court Doc. 62 filed 11/16/17).

15 1 USC § 204 tells us -- **Codes and Supplements as evidence of the laws of**
16 **United States.** 1 U.S. Code § 112. Statutes at Large; contents; admissibility in
17 evidence -- **“The United States Statutes at Large shall be legal evidence of**
18 **laws...”**

19 Evidence of a law is not the law. If there is a law saying perpetrators and
20 coconspirators Cynthia F. Davidson, Anne-Marie Svolto, Thomas A. Varlan, and

1 C. Clifford Shirley could do what they did to Randall-Keith:Beane and Heather-
2 Ann:Tucci:Jarraf they should have cited the actual law – not evidence of the law.
3 Evidence of the law is not the law.

4 12) Perpetrators and conspirators Thomas A. Varlan and C. Clifford Shirley had
5 no lawful reason to reject Mrs. Tucci:Jarraf's assertion that the corporate United
6 States does not exist and therefore there was no lawful authority for the
7 proceedings. They simply rejected the claim and proceeded to trespass the law.
8 The fact of the matter is even if they believed they had legitimate reason to reject
9 Mrs. Tucci:Jarraf's UCC filings, which they did not, they still violated the codes
10 and rules. The perpetrators and conspirators did not have subject matter or
11 personal jurisdiction no matter which way you look at it.

12 **XIV) (A) No Probable Cause – (B) Denial of Due Process – (C) Denial**
13 **of Detention Hearing**

14 **(A) No Probable Cause**

15 There was no probable cause hearing. There was no first-hand statement of
16 personal knowledge of any wrong doing. This is why they couldn't get an arrest
17 warrant until perpetrator and coconspirator Parker Still testified before the grand
18 jury. It was easier to get an indictment then to go before a magistrate or judge
19 knowing they did not have probable cause. In his grand jury and trial testimony
20 perpetrator and conspirator Parker Still had no first-hand knowledge of anything.

1 He makes it very clear he relied on USAA Bank, and he was simply repeating what
2 they had told him. Grand jury and trial excerpts:

3 Q ...the USAA fraud investigator has reviewed these extensively and
4 relayed all the information that you've previously testified about?

5
6 A Right. **I rely on it.**" (Grand Jury Transcript, P. 46, Line 3-6 – Att.
7 #29.5)

8
9 A **The information** primarily from what I've stated **from USAA at the**
10 **time. That's what we were relying on...** ((Heather-
11 Ann:Tucci:Jarraf Cross Examination of Parker Still Trial Transcript,
12 Volume I, P. 48, Line 23-24)

13
14 A **Have absolutely no reason to doubt, as I said earlier, anything**
15 **that Mr. Brown or USAA was relaying to us.**" ((Heather-
16 Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript,
17 Volume I, P. 51, line 23-25)

18
19 A **I was relying on information that I had from USAA.**" (Heather-
20 Ann:Tucci:Jarraf Cross Examination of Parker Still Trial Transcript,
21 Volume I, P. 61, Line 5-6)

22
23 A **I was relying on information that was provided to me.**" (Heather-
24 Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript,
25 Volume I, P. 66, Line 24-25)

26
27 Why didn't True Brown, the USAA fraud investigator/director whom

28 perpetrator and conspirator Parker Still relied on for "the story" testify before the
29 grand jury since he was the one with direct knowledge of the alleged "crime?" He
30 didn't testify because they were all lying through their teeth. He would have had to
31 explain how someone could use an account number altered by one digit to
32 successfully complete a transaction. He would have had to explain how someone

1 could access \$31 million from a “fictitious bank account.” The conspiracy
2 required the FBI and US attorney perpetrators and conspirators shield USAA
3 Bank, their employees, and their lies.

4 Rule 3.8(a) (Special Responsibilities of a Prosecutor of the Tennessee rules
5 of Professional Conduct) says: “The prosecutor in a criminal case shall refrain
6 from prosecuting a charge that the prosecutor knows is not supported by probable
7 cause.” FBI and US Attorney perpetrators and coconspirators made sure there was
8 no probable cause hearing. They violated due process of law.

9 **(B) Denial of Due Process**

10 Mr. Beane had the right to due process of law with notice and opportunity to
11 defend. He did not receive due process. FBI perpetrator and coconspirator Parker
12 Still said he had no reason to doubt the information provided by True Brown and
13 USAA Bank. (Att. #30.2) He said, “I rely on it.” (Att. #29.5) He saw no need to
14 do any fact-finding, or test the credibility and reliability of the evidence given to
15 him by True Brown and USAA Bank. The FBI and US Attorneys allowed USAA
16 Bank to create the doctored evidentiary record and they ran with it no questions
17 asked. Why? It was a plot and conspiracy.

18 By the due process clause, the common law governs what the law on arrest is
19 in this land. Due process is not determined by the legislature or the officer. There
20 can be no arrest without due process of law. An arrest without a warrant is

1 regarded as unlawful except when public security is at risk. It was said in Hale v.
2 Henkel that a man “is entitled to carry on his private business in his own way.
3 His power to contract is unlimited. He owes no duty to the State or to his
4 neighbors to divulge his business, or to open his doors to an investigation, so far
5 as it may tend to criminate him. He owes no such duty to the State, since he
6 receives nothing therefrom beyond the protection of his life and property. His
7 rights are such as existed by the law of the land long antecedent to the
8 organization of the State, and can only be taken from him by due process of law,
9 and in accordance with the Constitution. Among his rights are a refusal to
10 incriminate himself and the immunity of himself and his property from arrest
11 or seizure except under a warrant of the law. He owes nothing to the public so
12 long as he does not trespass upon their rights.” (Hale v. Henkel, 201 U.S. 43
13 (1906)) “The due process clause of the constitution protects Americans from
14 unlawful arrests.” (State v. Quinn, 97 S.E, 62, 64, (S.C. 1918) There was no
15 valid warrant issued by a court or magistrate to arrest Randall-Keith:Beane on July
16 11, 2017.

17 “Judgments entered where court lacked either subject matter or personal
18 jurisdiction, or that were otherwise entered in violation of due process of law, must
19 be set aside”, Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

20 (C) Denial of Detention Hearing

1 Randall-Keith:Beane was denied a detention hearing. According to 18 U.S.
2
3 Code § 3142, release or detention of a defendant pending trial:
4

5 **(e) DETENTION.— (1) If, after a hearing** pursuant to the provisions of
6 subsection (f) of this section, the judicial officer finds that no condition or
7 combination of conditions will reasonably assure the appearance of the person as
8 required and the safety of any other person and the community, such judicial
9 officer shall order the detention of the person before trial.

10 The perpetrators and coconspirators didn't allow Randall-Keith:Beane to
11 have a detention hearing because they knew they did not have lawful justification
12 for detaining him. It was always part of their plan to keep him jailed so that he
13 could not access information to defend himself.

14 On July 11, 2017 perpetrators and coconspirators Parker Still, Jimmy
15 Durand, Jason Pack, Joelle Vehec (The FBI), D.T. Harnett, FBI Task Force Office,
16 and Knoxville County Sheriff Deputy beat up, publicly humiliated, unlawfully
17 arrested, and detained Randall-Keith:Beane. They did not provide a prompt
18 judicial determination with regard to probable cause and detention.

19 Mr. Beane sat in jail for **17 DAYS** after the perpetrators and coconspirators
20 arrested him July 11, 2017 using a South Carolina statewide misdemeanor traffic
21 related bench warrant that had been disposed of two years earlier. On July 27,
22 2017 Mr. Beane signed, under duress, a temporary "waiver of detention hearing."

1 Mr. Beane had already been sitting in jail from July 11th to July 27th without ever
2 having seen a judge for a detention hearing or a probable cause hearing.

3 The jailers and Bobby Hutson, Jr. (Tennessee Public Defender appointed for
4 Randall-Keith:Beane by United States Magistrate Judge C. Clifford Shirley, Jr.)
5 forced Randall-Keith:Beane to sign a temporary “waiver of detention” to get
6 around the requirements of 18 U.S. Code § 3142. They were determined to never
7 release Mr. Beane so they violated section 3142 to keep him detained. The bottom
8 line is regardless of the “waiver,” either they had a lawful reason to detain Mr.
9 Beane or they didn’t. One cannot give consent for an unlawful deprivation of
10 liberty. This wasn’t an agreement to stay at the Trump Hotel, The Hilton or
11 Marriott. It was a jail! Only a brainless idiot would believe someone would agree
12 to stay in jail when they didn’t have to. Mr. Beane signed the temporary detention
13 waiver on July 27, 2017 (having been unlawfully jailed since July 11th – 17 days)
14 because they made it clear harm would come to him if he didn’t. Can you even
15 imagine the pressure they likely put on Mr. Beane to sign the detention waiver to
16 cover their backside? They would not have prevailed in a detention hearing. The
17 law would have forced them to release Mr. Beane. They had to get Mr. Beane to
18 sign that detention waiver and you can just imagine how they went about doing it.
19 Please keep in mind, they had already elbowed Mr. Beane in the head to the point
20 of bleeding (Att. #34.6, #34.7), pulled down his pants and made him stand

1 handcuffed in his underwear in the hot July Tennessee sun for 45 minutes to an
2 hour with onlookers gawking, twisted his arm, gave him a black eye, bruised his
3 body, and cut off his oxygen supply by strangulation until he cried out “I can’t
4 breathe.” (Att. #34.5, #34.6, #34.7) They couldn’t risk releasing Mr. Beane and
5 him discovering the conspiracy against himself and Heather-Ann:Tucci:Jarraf.
6 They couldn’t risk him having access to research. They couldn’t risk him finding
7 out the arrest warrants were fake – invalid – VOID! They had to use coercion to
8 get him to sign that detention waiver. (Att. #22)

9 Perpetrator and conspirator Bobby Hutson, Jr. was supposed to be
10 representing Mr. Beane but he was, in fact, part of the conspiracy plot to lock Mr.
11 Beane away for a very long time. Perpetrator and conspirator C. Clifford Shirley,
12 the magistrate judge, approved the waiver knowing it was a violation of due
13 process. He knew Mr. Beane signed the waiver under duress.

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

2 UNITED STATES OF AMERICA)

3) 3:17-CR-82
4)

5 RANDALL KEITH BEANE)

6 WAIVER OF DETENTION HEARING

7 I acknowledge that the Magistrate Judge has informed me of my right to a
8 detention hearing, pursuant to the provisions of Title 18, United States Code, Section
9 3142, and that I understand that right.

10 I HEREBY WAIVE my right to a detention hearing.

11 I HEREBY WAIVE my right to a detention hearing in this district, and reserve
12 the right to move for a detention hearing in the district where the charges
13 originate.

14 X I HEREBY WAIVE my right to a detention hearing at this time, and reserve
15 the right to move for detention hearing at a later date.

16 RANDALL KEITH BEANE
DEFENDANT

17 8/27/17
Date

18 Bryan Ash
COUNSEL FOR DEFENDANT or Deputy Clerk

19 APPROVED: C. Clifford Shirley, Jr.
United States Magistrate Judge

20 Forcing Mr. Beane to sign a waiver of detention hearing was coercion as

21 defined in 22 U.S. Code § 7102 (3) “COERCION The term “coercion” means—(A)
22 threats of serious harm to or physical restraint against any person; (B) any scheme,
23 plan, or pattern intended to cause a person to believe that failure to perform an act
24 would result in serious harm to or physical restraint against any person; “ (Att.
25 #22)

26 Randall-Keith:Beane requested a hearing to dismiss the public defender, Mr.
27 Hutson, and present himself. The hearing occurred August 29, 2017 before
28 perpetrator and coconspirator C. Clifford Shirley, Jr. Mr. Beane had been detained

1 for approximately 48 days without a detention hearing. During that hearing Mr.
2 Hutson communicated Mr. Beane's desire for a detention hearing.

3 Hearing excerpt:

4 Proceedings Before C. Clifford Shirley, Jr., August 29, 2017 Document 40, P.
5 9, Line 11-14 (Att. #61.2)
6

7 **MR. HUTSON:** I understand, Your Honor. He is also potentially going to want to
8 request some type of detention hearing or update.

9
10 **THE COURT:** We can't get started, we can't get to that.

11 Perpetrator and coconspirator C. Clifford Shirley's response was "we can't
12 get to that." He had detained Mr. Beane for approximately **48 days** at that point
13 but he couldn't get to that? He didn't want to get to it because he had no intention
14 of releasing Mr. Beane. Perpetrator and conspirator C. Clifford Shirley knew he
15 was violating due process by unlawfully detaining Mr. Beane and he did it anyway.
16 He could have said we'll schedule it at the end of this hearing but he didn't want to
17 do that because he had no intention of allowing Mr. Beane to have a detention
18 hearing. He knew he would have to release Mr. Beane if they had a detention
19 hearing because he had no lawful reason for detaining him. Perpetrator and
20 conspirator C. Clifford Shirley violated due process by denying Randall-
21 Keith:Beane a detention hearing. He knowingly continued to unlawfully detain
22 Mr. Beane.

1 Rule 8 of the Tennessee rules of Professional Conduct states, "...a lawyer
2 zealously asserts the client's position." Not Bobby Hutson, Jr. He **pretended** to
3 represent Mr. Beane. He was, in fact, Mr. Beane's enemy.

4 Rule 3.8(c) (Special Responsibilities of a Prosecutor) states – "The
5 prosecutor in a criminal case shall not advise an unrepresented accused to waive
6 important pretrial rights." To make sure Mr. Beane was not "unrepresented,"
7 Bobby Hutson, Jr. was moved into position and forced upon Mr. Beane to make it
8 look on paper like Mr. Beane was represented when, in reality, perpetrator and
9 conspirator, Bobby Hutson, Jr. was working for Mr. Beane's enemies. No
10 competent, ethical, honest attorney-at-law would allow his client to waive a
11 detention hearing.

12 Perpetrator and conspirator Bobby Hutson participated in forcing Mr. Beane
13 to sign the detention hearing waiver. Perpetrators and coconspirators Cynthia
14 Davidson, Anne-Marie Svolto (prosecutors), Thomas A Varlan and C. Clifford
15 Shirley (US District Judges) were right there playing their role in the conspiracy.
16 Perpetrator and conspirator C. Clifford Shirley actually approved the waiver. They
17 all collectively gave the finger to due process and the law of the land – the
18 Constitution.

19 The Code of Conduct for United States Judges says: "(A) *Respect for Law*.
20 A judge should respect **and comply with the law** and should act at all times in a

manner that promotes public confidence in the integrity and impartiality of the judiciary.” Perpetrator and coconspirators Thomas A. Varlan and C. Clifford Shirley did not show respect for the law and certainly did not comply with the law.

LAW OF THE LAND. Due process of law (*q. v.*). By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial. Dupuy v. Tedora, 204 La. 560, 15 So.2d 886, 891. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of general rules which govern society. Rich Hill Coal Co. v. Bra-Estate, 30 Cal.App.2d 525, 86 P.2d 883, 885. **Everything which may pass under the form of an enactment is not the law of the land.** Sedg.St. & Const.Law, (2d Ed.) 475. (Black’s Law Dictionary, 4th Edition, P. 1031-1032)

XV) (A) Prosecutorial Misconduct (Improper and Illegal Acts to Wrongly Persuade the Grand Jury and Trial Jury to Indict and Convict) (B) Fraud Upon the Court – (C) Wrongful Selective Prosecution

(A) Prosecutorial Misconduct

Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto engaged in illegal and unlawful acts to persuade the jury to wrongly indict and convict Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. They offered the jury materially false, fictitious, and fraudulent information, statements, and representations starting with misleading the trial jury by pretending to be

prosecutors when they actually appeared “For the Plaintiff” – United States of America Corporation. (Att. #30.1) Also, for example:

- 1) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto misled the grand jury and trial jury to believe Randall-Keith:Beane used an account number other than his social security account number to access his treasury direct depository account.
- 2) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto encouraged witnesses to lie about Randall-Keith:Beane’s social security account number.
- 3) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto lied to the grand jury and trial jury about the South Carolina statewide traffic related bench warrant. They concealed the fact it was NOT an active warrant and it was NOT a national or international warrant. (Att.#1.2 and #2.1)
- 4) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto were aware of the creation of fraudulent Tennessee district court arrest warrants with a fictitious signature. (Att. #3 and #4)
- 5) Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto misled the grand jury and trial jury about the legal definition of “money laundering,” “affect interstate commerce,” and “fraud.”
- 6) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto misled the grand jury and trial jury about the injury Randall-Keith:Beane sustained at the vicious hands of other perpetrators and conspirators calling a bleeding cut on the head a scratch. There is a big difference between the two.
- 7) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto were aware there was no probable cause hearing and no detention hearing. Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto failed to act when they learned about no probable cause hearing and the detention hearing waiver. Rule 8 of the Tennessee Rules of Professional Conduct, specifically Rule 3.8 (Special Responsibilities of a

1 Prosecutor) makes it clear (a) shall refrain from prosecuting a charge that the
2 prosecutor knows is not supported by probable cause; (c) shall not advise an
3 unrepresented accused to waive important pretrial rights.”
4

5 Randall-Keith: Beane was aware Bobby Hutson, Jr. was not appointed
6 to represent Mr. Beane’s interests and that is why he had Mr. Hutson
7 removed from the case during a proceeding before C. Clifford Shirley –
8 “Mr. Beane asked the Court to remove counsel from his case. He asserts that
9 he does not have confidence in the legal advice provided by myself, and that
10 he does not feel that I am effectively representing him in this proceeding.”
11 (Proceedings Before C. Clifford Shirley, Jr., August 29, 2017, Doc. 40, P. 3,
12 Line 3-7) Perpetrator and conspirator Bobby Hutson, Jr. had Mr. Beane sign
13 a detention hearing waiver under duress and they all knew it. Of course he
14 was not vigorously representing Mr. Beane. He was playing his role in the
15 conspiracy.
16

- 17 8) Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto
18 failed to act when the following statements were made to the grand jury and
19 trial jury:
20

21 “We have subsequently learned that possibly, again, speculating, that
22 that comment meant, “Military Operations, to try to remove Mr. Beane
23 from the Knox County Detention Center. That’s what, again, what I
24 deduct.” (Grand Jury Transcript, P. 56-57, Line 25; 1-3)
25

26 Who was Heather-Ann: Tucci: Jarraf going to command break Randall—
27 Keith: Beane out of jail? The Marines? Seal Team? Rangers? Night
28 Stalkers? Green Berets? Perpetrator and conspirator Parker Still has military
29 JAG experience so he knew Mrs. Tucci: Jarraf was not planning a military
30 operation to remove Mr. Beane from jail.
31

32 **Heather-Ann: Tucci: Jarraf Cross-Examination of Parker Still, Trial**
33 **Transcript, Volume I, P. 39, Line 11-15**
34

35 Q Okay. So, Mr. Still, you stated that you've been with the FBI for five and a
36 half years and that seven and a half years with private attorney and military
37 JAG?
38

39 A That's correct, yes, ma'am. All approximately, yes, ma'am.
40

1 In furtherance of the conspiracy perpetrator and conspirator Parker Still
2 painted Heather-Ann:Tucci:Jarraf as a criminal planning a jail break and
3 perpetrator and coconspirators Cynthia F. Davidson and Anne-Marie Svolto
4 allowed the deceptive dishonest prejudicial statement as part of their plot.

5 9) **Cynthia F. Davidson Direct Examination of Parker Still, Trial**
6 **Transcript, Volume I, P. 26, Line 1**

7
8 “So, yeah, it was similar to a **bank robbery**.” (Parker Still, Trial
9 Transcript, Volume I, P. 26, Line 1)

10
11 There was no bank robbery charge. This was one of many calculated statements
12 meant to mislead and deceive the jury.

13
14 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
15 **Transcript Volume I, P. 58, Line 4-7, 12**

16
17 Q When a bank gets robbed, do you usually have a bank robber
18 and a banker and a gun or some kind of weapon and cash? **You're**
19 **talking about, per Ms. Svolto's opening statement, that he was**
20 **robbing a bank?**

21
22 A Yes, ma'am.

23
24 Now we know why perpetrator and coconspirator Thomas A. Varlan didn't
25 allow the opening and closing statements to be transcribed. Perpetrator and
26 coconspirator Anne-Marie Svolto told the jury Randall-Keith:Beane robbed a bank
27 in her opening statement. There was no robbery charge.

28
29 10) Perpetrators and coconspirators told the trial jury Randall-
30 Keith:Beane stole a motor home. The truth is Mr. Beane was handed the
31 keys upon completion of a legal and lawful purchase.

32 To justify why perpetrator and coconspirator Parker Still seized (stole)
33 private property without a seizure warrant, he said this -- “...**the keys are going to**
34 **be turned over to him at Buddy Gregg, we had to react.** (Parker Still Trial
35 Testimony, Volume I, P. 62, Line 22-23) In other words, perpetrator and

1 conspirator Parker Still wanted to illegally and unlawfully seize the motorhome
2 BEFORE Mr. Beane could take possession of it. He went on to say Mr. Beane had
3 – “**Stolen motor home**” when in reality it was perpetrator and coconspirator
4 Parker Still who stole the motor home. He did not have a search and seizure
5 warrant. (Parker Still Trial Testimony, Volume I, P. 63, Line 25)
6

7 The keys were given to Mr. Beane because he made a legal and lawful
8 purchase. He did not steal a motorhome. There was no charge for a stolen
9 motorhome. Did perpetrator and coconspirators Cynthia F. Davidson and Anne-
10 Marie Svolto correct the record for the jury? No.
11

12 11) Perpetrator and coconspirators Parker Still, Cynthia F. Davidson, and
13 Anne-Marie Svolto misrepresented to the grand jury and trial jury the role of
14 the FDIC. They implied the FDIC had something to do with the case when
15 it did not. There was no FDIC claim filed for loss. The FDIC does not
16 handle money loss due to robbery and other theft. Sean O'Malley of the NY
17 Federal Reserve Bank testified, “there was no loss to the U.S. government.”
18 (Att. #33.2)
19

20 12) Perpetrator and conspirator Sean O'Malley misrepresented to the trial
21 jury that the New York Federal Reserve Bank is part of the United States
22 government and perpetrator and coconspirators Cynthia F. Davidson and
23 Anne-Marie Svolto did not correct the record for the jury. They allowed
24 him to attach the New York Federal Reserve bank criminal enterprise to the
25 people's Republic government to give it credibility it does not deserve.
26

27 Excerpt from the trial transcript:

28 **Heather-Ann:Tucci:Jarraf Cross Examination of Sean O'Malley, Trial**
29 **Transcript VOLUME 3, Pg.220, Line 10-18**
30

31 A -- looking at, the way I look at the Federal Reserve, **it's an instrumentality**
32 **of the United States created by Congress. So it's owned by the people of the**
33 **United States.** That's my understanding of how the Federal Reserve is, even the
34 reserve banks. There are shareholders. The banks have reserves there and then
35 they're shareholders. **But it's not as you are trying to equate that this is like a**
36 **private bank in any sort of way. It's not a private bank. It's a public**
37 **institution.**

1 In Lewis vs. U.S., the Court of Appeals, Ninth Circuit, examined the
2 organization and function of the Federal Reserve Banks and they concluded
3 “Reserve Banks are not federal instrumentalities for purposes of the FTCA, but **are**
4 **independent, privately owned and locally controlled corporations.**” (Lewis vs.
5 U.S., 680 F. 2d 1239, 1241) Perpetrator and coconspirator Sean O’Malley knew
6 he was lying to the jury and gallery.
7

8 According to 12 U.S. Code § 341. General enumeration of powers, “Upon
9 the filing of the organization certificate with the Comptroller of
10 the Currency **a Federal reserve bank shall become a body corporate...**”
11

12 **DEFINITION**

13
14 **BODY CORPORATE.** A corporation public or private. (Black’s Law
15 Dictionary, 4th Edition, P. 222)
16

17 **Public and private.** A public corporation is one created by the state for
18 political purposes and to act as an agency in the administration of civil
19 government, (Black’s Law Dictionary, 4th Edition, P. 409)
20

21 **Private corporations** are those founded by and composed of private individuals,
22 for private purposes, as distinguished from governmental purposes, and having no
23 political or governmental franchises or duties. (Black’s Law Dictionary, 4th
24 Edition, P. 409-410)
25

26 There’s no doubt Federal Reserve banks are private corporations. Federal
27 Reserve banks are not government entities or instrumentalities. It is a private
28 entity whose sole mission has been to enslave mankind. They achieved this by
29 replacing lawful money (gold and silver) with fiat money – “funds.”
30

31 13) They misled the jury with jury instructions

32 UNITED STATES’S REQUESTED JURY INSTRUCTIONS

33 Instruction number 3:

34 “It is not necessary that the government prove all of the details alleged
35 concerning the precise nature and purpose of the scheme **or** that the material
36 transmitted by wire, radio **or** television communications was itself false **or**
37 fraudulent **or that the alleged scheme actually succeeded in defrauding anyone or**

1 that the use of the wire, radio or television communications was intended as the
2 specific or exclusive means of accomplishing the alleged fraud or that someone
3 relied on the misrepresentation or false statement or that the defendant obtained
4 money or property for his own benefit.”

5 Well if the prosecutors didn’t have to prove any of these things what did
6 they have to prove? If they did not have to prove that anyone was actually
7 defrauded then THERE WAS NO FRAUD!

8 Toward the end of trial transcript volume V the judge went over jury
9 instructions. He referenced a document that was 50+ pages. Four charges and 50+
10 pages of jury instructions? That’s a lot. Was the intention to make sure the jury
11 didn’t read them? They charged four sections of the US Code.

12 A) §1343. Fraud by wire, radio, or television -- Whoever, having devised or
13 intending to devise any scheme or artifice to defraud... The question in
14 this charge for the jury should have been –
15

- 16 • Did the prosecution’s evidence show beyond a reasonable doubt that
17 Randall-Keith:Beane intended to devise any scheme or artifice to
18 defraud with criminal intent? That’s the jury instruction. It’s
19 already inside the code charged.

20 ARTIFICE. An ingenious contrivance...trick or fraud. (Black’s Law
21 Dictionary, 4th Edition, P. 145)
22

23 B) §1344. Bank fraud -- Whoever knowingly executes, or attempts to
24 execute, a scheme or artifice-(1) to defraud a financial institution...
25

- 26 • An honest jury instruction – Did the prosecution’s evidence show
27 beyond a reasonable doubt that Randall-Keith:Beane knowingly
28 executed, or attempted to execute a scheme or artifice with criminal
29 intent?
30

31 C) §1956. Laundering of monetary instruments -- (a)(1) Whoever, knowing
32 that the property involved in a financial transaction represents the proceeds
33 of some form of unlawful activity, conducts or attempts to conduct such a
34 financial transaction which in fact involves the proceeds of specified

1 unlawful activity- (A)(i) with the intent to promote the carrying on of
2 specified unlawful activity; --

- 3
4 • An honest jury instruction – Did the prosecution’s evidence show
5 beyond a reasonable doubt that Randall-Keith:Beane and Heather-
6 Ann:Tucci:Jarraf:

7
8 (1) know the property involved in the financial transaction
9 represented the proceeds of some form of unlawful activity and yet
10 they proceeded with criminal intent?

11 (2) conducted or attempted to conduct the financial transaction
12 with criminal intent knowing it involved the proceeds of unlawful
13 activity?

14
15 (1) Had the intent to carry out a specified unlawful activity?

16
17 D) §1957. Engaging in monetary transactions in property derived from
18 specified unlawful activity -- Whoever, in any of the circumstances set
19 forth in subsection (d), knowingly engages or attempts to engage in a
20 monetary transaction in criminally derived property of a value greater than
21 \$10,000 and is derived from specified unlawful activity ...

- 22
23 • An honest jury instruction – (1) Did the prosecution’s evidence
24 show beyond a reasonable doubt that Randall-Keith:Beane and
25 Heather-Ann:Tucci:Jarraf knowingly engaged or attempted to engage
26 in a monetary transaction in criminally derived property with
27 criminal intent? (2) Did the prosecution’s evidence show beyond a
28 reasonable doubt that the property was derived from unlawful activity
29 with the intent to commit a crime?

30
31 The jury instruction is inside the code charged. There’s no need to make it
32 any more complicated than that unless you’re up to no good. When you take what
33 should be five to ten pages of jury instructions, which should include legal
34 definitions of the key words and procedural requirements, and turn it into 50-100
35 pages you are DEFINITELY up to no good.

36 At no time during the grand jury hearing or trial did the perpetrators and
37 conspirators state that Mr. Beane accessing his treasury direct depository account
38 was unlawful activity. What they did was tell a BIG FAT LIE that he altered his

1 social security account number by one digit to make it seem as if he had accessed
2 someone else's account. They flat out lied to the grand jury and trial jury.

3 There's nothing in any of the charges about "good faith" and yet
4 perpetrator and coconspirator Thomas A. Varlan took it upon himself to put it in
5 the jury instructions. Why? Good faith is a totally different standard and has a
6 negative undertone. Good faith is a uniform commercial code standard. Good
7 faith is a very different standard than mens rea which means- "guilty mind,"
8 "knowing," "intending," "intended," "knowingly."

9 Why would Randall-Keith:Beane's elbow counsel, Stephen G. McGrath,
10 push for a "good faith" defense instruction rather than a mens rea defense
11 instruction? He wasn't vigorously advocating for Mr. Beane's best interest. They
12 each played their role in the conspiracy to reach the ultimate goal of conviction and
13 imprisonment.

14 Trial excerpt:

15 **Trial Transcript, Volume V, P. 282, Line 15-20**

16
17 **MS. DAVIDSON:** And, Your Honor, we object to the **good-faith defense**. The
18 defendant has not asked for it. I'm not sure that it's applicable in this case.

19
20 **THE COURT:** All right. What page – what page is that?

21
22 **MS. DAVIDSON:** That's on page 34

23
24 **Trial Transcript, Volume V, P. 284-285, Line 2-25, 1**

25 **THE COURT:** Mr. Beane, I'll ask you if you have any comment to the jury's --
26 I'm sorry -- to the government's request not to include the good-faith defense. This
27 only relates to the fraud, which is only the counts directed to you in the Indictment.
28 So looking at page 34, do you have a response to the government's request or
29 objection not to include the **good-faith defense** charge?

30
31 **MR. MC GRATH:** May I have just a moment with Mr. Beane?

32
33 **THE COURT:** Yes.

1 **MR. MC GRATH:** Thank you, Judge. (A discussion was had off the record
2 between Defendant Beane and his counsel.)

3
4 **MR. MC GRATH:** I appreciate the Court's and everyone's patience. Looking
5 over it, we'll have a chance to go over this again to see if he wants to change his
6 mind about any additions, changes or comments.

7
8 **THE COURT:** All right. So, I guess, you mean to the charge -- right now I'm only
9 asking about page 34.

10
11 **MR. MC GRATH:** Oh, yeah, yeah. I just wanted to look that over real quick.

12 **Trial Transcript, Volume V, P. 290, Line 1-5, 11-20**

13 **THE COURT:** Mr. Beane, subject to any -- subject to your response to the
14 government's objection as to including a **good-faith defense**, are there any other
15 objections or comments from you as a defendant to any other aspects of the jury
16 charge?

17 **MR. MC GRATH:** Yes. Page 34 and 35, the fraud and the good-faith defense,
18 there would be an objection. I think that's -- my client believes that is needed in
19 there. He's spoken to his intent as a possible defense and discusses that as an
20 element that's been a factor that we've been discussing or that Mr. Beane, I should
21 say, has been discussing throughout this trial. **I believe that the good-faith**
22 **defense of fraud is something that needs to stay in to the jury instructions.**

23 **DEFINITIONS**

24 **Uniform Commercial Code (UCC) § 1-304. Obligation of Good Faith.**

25 Every contract or duty within the Uniform Commercial Code imposes an
26 obligation of good faith in its performance and enforcement.

27 **GOOD FAITH** – An honest intention to abstain from taking any
28 unconscientious advantage of another...” (Black’s Law Dictionary, 4th Edition, P.
29 822)

30 **MENS REA.** A guilty mind; a guilty or wrongful purpose; a criminal intent.
31 Guilty knowledge and willfulness. United States v. Greenbaum, C.C.A.N.J., 138
32 F.2d 437, 438. (Black’s Law Dictionary, 4th Edition, P. 1137)

§1343, §1344, §1956, and §1957 all have to do with **criminal intent** or **mens rea**, and yet the judge and Mr. Beane's elbow counsel are discussing "good faith." The good faith jury instruction seems to have been planned and coordinated. It was calculated. It was important to perpetrators and coconspirators Thomas A. Varlan and Stephen G. McGrath (Randall-Keith:Beane's elbow counsel) to put "good faith" in the jury instructions. Why? Was perpetrator Thomas A. Varlan actually operating under admiralty/commercial/contract law? The uniform commercial code (UCC) has been the law of the land for courts for a long time. They rarely if ever operate constitutional Article III courts even though they know that is what they are supposed to be doing. It's bait and switch. It's judicial fraud. Judges make you think you're in a constitutional court when you're not. Judges and prosecutors throw around the word constitution a few times and will even refer to and cite sections of the constitution in their reports, motions and "orders" to make folks believe that's what's going on but behind the scene the trap is set for the judge and prosecutor to deceive.

Here are some examples where the constitution was mentioned. Trial excerpt:

Thomas A. Varlan speaking to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf, Trial Transcript, Volume II, P. 196, Line 14-17

...and I'm talking to you individually -- but your, Ms. Tucci:Jarraf, and your, Mr. Beane, **constitutional rights** to testify or not testify in a criminal trial as you see fit.

Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial Transcript, Volume I, P. 44, Line 1-2; 4-5

Q So you do whatever you need to protect a victim as well as the assets, if possible?

A Within the boundary of the United States **Constitution**."

Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial Transcript, Volume I, P. 44-45, Line 24-25, 1-4

1 A—No, ma'am. I can't do any actions. I am bound by, you know, rules and
2 regulations. And you did – you said a lot of them that we are bound by, the
3 United States Constitution, the FBI internal rules, Department of Justice, big
4 umbrella, you know, that we fall under. State of Tennessee, you know, I mean,
5 there's a lot of rules and regulations out there.”

6
7 If the perpetrators and conspirators followed the “big umbrella” of rules and
8 laws they are bound by Mr. Beane and Mrs. Tucci:Jarraf would not be in prison
9 today. The Constitution is the Law of the Land and the Law of the Land is due
10 process. The perpetrators and conspirators completely skipped due process
11 because this was a targeted prosecution that had absolutely nothing to do with the
12 rule of law.

13
14 14) They misled the jury about the license requirement regarding being a
15 lawyer. Perpetrators and coconspirators Parker Still and Cynthia Davidson
16 made a real stink about Heather-Ann:Tucci:Jarraf not having an attorney
17 license when they don't have a license either. They have a membership card
18 – a BAR card. They are members of a BAR association with foreign ties.
19 These perpetrators said anything they could think of to mislead the grand
20 jury and trial jury to make Heather-Anne:Tucci:Jarraf appear as if she had a
21 history of breaking the law.

22
23 15) Perpetrator and conspirator Cynthia F. Davidson, during her cross-
24 examination of Heather-Ann:Tucci:Jarraf, asked the following:

25 Cynthia F. Davidson Cross-examination of Heather Ann Tucci:Jarraf, Trial
26 Transcript Volume VI, P. 63-64, Line 22-23; 4-13 (Att. #80.2 and #80.3)

27 Q And you've seen this Black's Law Dictionary?

28
29 A I'm familiar with Black's Law.

30 Q Okay. And so you know that there is absolutely no difference between the
31 definition of attorney and lawyer, don't you?

32
33 A Actually, in Bouvier's Dictionary, which is the law book or the law
34 dictionary that at least the judges I worked with at the federal and state levels,
35 that's the one they use. It was Bouvier's. Black's Law, that's what we used in law
36 school.

1 Q Okay. And so you know there's no difference between attorney and lawyer?

2
3 Perpetrator and conspirator Cynthia F. Davidson was again leading the jury
4 to believe Mrs. Tucci:Jarraf had done something wrong by being a lawyer for the
5 Randall Keith Beane Factualized Trust. She wanted the jury to believe a lawyer/
6 attorney must have a BAR card membership (which she called a license to further
7 confuse the jury) when only an attorney-at-law/officer of the court must have a
8 BAR card membership. A BAR card membership is for attorneys-at-law/officers
9 of the court – NOT lawyers/attorneys.

10
11 We know perpetrator and conspirator Cynthia F. Davidson knows the
12 difference between an “attorney/lawyer” and an “attorney-at-law/officer of the
13 court” because she whipped out her handy-dandy Black’s Law Dictionary. (Att.
14 #80.2) Presumably, she read it - **‘when used with reference to the proceedings**
15 **of courts, or the transaction of business in the courts, the term “attorney”**
16 **always means “attorney at law.”** (Att. #9.5)

17
18 Perpetrator and coconspirator Cynthia F. Davidson’s question regarding no
19 difference between an attorney and a lawyer was intentionally deceitful. She
20 knows attorney/lawyer is used interchangeably but attorney-at-law/officer of the
21 court has a different meaning. Mrs. Tucci:Jarraf did not say she was an officer of
22 the court. The BAR card is required to be admitted by a court to practice law in a
23 courtroom. It is not required to draft legal documents as Mrs. Tucci:Jarraf did with
24 the Randall Keith Beane Factualized Trust. (Definitions - Att. #9.5, #9.6, #81.2,
25 #81.3, #82.1, #82.2)

26
27 16) Perpetrator and conspirator Cynthia Davidson misled the trial jury
28 into believing if a word is not in her dictionary it doesn’t exist:

29 **Cynthia F. Davidson Cross-Examination of Heather Ann Tucci:Jarraf, Trial**
30 **Transcript, Volume 6, page 86, line 4-9**

31 Q Okay. So what's preterea and praeterea?

32
33 A Praeterea preterea.

34
35 Q Yes. What's that?

36
37 A That means in hereafter. It's Latin.

1 Q Okay. But it's nowhere in Black's Law Dictionary, is it?

2
3 Perpetrator and conspirator Cynthia Davidson didn't want to know "what's
4 preterea and praeterea?" If she wanted the answer to that question she would have
5 researched it beforehand. What perpetrator and conspirator Cynthia Davidson
6 wanted was for the jury to believe Mrs. Tucci:Jarraf was dishonest and making
7 things up. According to perpetrator Cynthia Davidson's argument to the jury
8 praeterea preterea does not exist because it's not in Black's Law Dictionary.
9 Cynthia Davidson knows she will find praeterea preterea in a Latin dictionary (Att.
10 #85), but that wasn't her goal. Her goal was to willfully and intentionally deceive
11 the jury. The purpose behind making Mrs. Tucci:Jarraf appear to be making things
12 up was a set-up for perpetrator and conspirator Cynthia Davidson's
13 "gobbledygook" comment to delegitimize Mrs. Tucci:Jarraf's UCC filings.

14 17) Perpetrator and conspirator Cynthia Davidson misled the trial jury
15 about Mrs. Tucci:Jarraf's Uniform Commercial Code filings.

16 Cynthia F. Davidson Cross-Examination of Heather Ann Tucci:Jarraf, Trial
17 transcript, Volume 6, page 86, line 22-23

18 **"And so these documents are basically just a bunch of gobbledygook."**

19 This comment was designed to disparage the UCC documents. The fact is
20 perpetrator and conspirator Cynthia F. Davidson had an obligation to understand
21 that "gobbledygook" or hire an expert who did understand it. She's certainly not
22 getting paid to prance around showing off her extensive vocabulary. So why did
23 she make the condescending comment before the jury and gallery? She made that
24 comment because she knew the UCC filings are legitimate and she had to discredit
25 them in order to move forward with the conspiracy.

26 Perpetrator and conspirator Cynthia F. Davidson knew how to hire an expert
27 if she wanted to. Court document 79 excerpt:

28 **"Zachary Scrима of the Federal Bureau of Investigation (FBI) will testify as**
29 **an expert at trial.** Forensic Accountant Scrима is a Certified Public Accountant
30 and has been employed with the FBI since 2010. Forensic Accountant Scrима's
31 resume is attached to this notice." (United States of America's Notice of Expert
32 Witness Testimony, Document 79, Filed 01/05/18)

1 If perpetrator and conspirator Cynthia F. Davidson could present an
2 accountant “expert” to lie about Mr. Beane altering his social security account
3 number – she could have presented a UCC expert to support her statement that the
4 UCC filings are “gobbledygook.” But she wasn’t after the truth now was she? She
5 already knew the truth. She was plotting and scheming to fulfill the conspiracy.

6 18) The perpetrators and coconspirators misled the grand jury and trial
7 jury into believing Randall-Keith:Beane had stolen a RV. They presented
8 absolutely no evidence to support that allegation. In fact, they presented
9 evidence to the contrary:

10 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
11 **Still – Trial Transcript, Volume I, Pg. 62, Line 22** (Att. #30.3)

12 “...-- the keys are going to be turned over to him...”

13 The motorhome certainly was not stolen given the keys were handed to
14 Randall-Keith:Beane on Friday July 7, 2017 and the FBI thugs waited until
15 Tuesday, July 11, 2017 to ambush Randall-Keith:Beane at Buddy Gregg RVs &
16 Motor Homes when Mr. Beane went in to pick up the motorhome.

17
18 B) **Fraud Upon Court**

19 The judge, prosecutors, investigators, and some witnesses conspired to lie to
20 those in the jury box and the people sitting in the gallery watching the trial. The
21 prosecutors and witnesses deliberately engaged in a deception which went to the
22 heart of their claim that Randall-Keith:Beane altered his social security account
23 number by one digit. Perpetrator and coconspirator Cynthia F. Davidson continued
24 the deception in her direct examination of USAA Bank fraud investigator Monica
25 Alcala appearing to coax Ms. Alcala into lying under oath and omitting material
26 information. Trial excerpt:

1 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
2 **Fraud Investigator) Trial Transcript, Volume I, Jan. 23, 2018, Pg. 129, Line 9-**
3 **15**

4 A The account number was Randall Beane's Social Security number.

5 Q **So his actual – his actual Social Security number?**

6 A **Yes.**

7 Q So Federal Reserve routing number **and then his actual Social**
8 **Security number** on July 3rd?

9 A **Correct.**”

10 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
11 **Fraud Investigator) Trial Transcript, Volume II, Jan. 24, 2018, P 8, Line 1-3**

12 Q And what number did he add to the external system?

13 A The routing number was a Federal Reserve routing number and **the**
14 **account number was his Social Security number.**”

15 It looks like Ms. Alcala may have gotten a talkin' to because she changed
16 her testimony from the truth to the lie. See below.

17 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
18 **Fraud Investigator) Trial Transcript, Volume II, Jan. 24, 2018, P. 23, line 8-18**

19 Q Okay. And the account number in this case, **and I didn't put it in**
20 **front of you, so you weren't a hundred percent sure,** but is it 244391135?

21 A Yes.

22 Q And that's Randall Beane's Social Security number, only his Social
23 Security is 243?

24 A Yes.

25 Q Right?

1 A Correct.

2 Q 243 instead of 244?

3 A Correct.”

4 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
5 **Fraud Investigator) Trial Transcript, Volume II, Jan. 24, 2018, P. 25, Line 14-**
6 **16**

7 Q And what is the funding number -- I mean, I'm sorry, the funding account
8 number?

9
10 A It's 244XXXXXX.

11 What a coincidence! It's a miracle! The funding account number is just one
12 digit different than Mr. Beane's social security account number. And what's
13 amazing is the perpetrators say Mr. Beane was able to figure out to move the third
14 digit of his social security account number up one digit to access the funding
15 account number. Really?

16 Zach Scrima, the FBI forensic account had a slightly different tale to tell.
17 Perpetrator and coconspirator Zach Scrima understands numbers and accounts.
18 There's little doubt if someone made the below statements to him he would laugh
19 them out of his office.

20 Perpetrator and coconspirator Zach Scrima testified for Mr. Beane to transfer
21 digits from his treasury direct depository account to his USAA Bank personal
22 account Randall-Keith:Beane used his social security account number with “one
23 digit off” (244). But to pay bills out of that same treasury direct depository
24 account, Zach Scrima says Randall-Keith:Beane used his real social security
25 account number (243).

26 Trial excerpts:

27 **Cynthia F. Davidson Direct Examination of Zach Scrima, Trial Transcript**
28 **VOLUME IV, P.135; Line 6-12**

29
30 Q Okay. And then he used an account number that – do you have his
31 account number on here?

1 A Yes. If you look in the -- sort of above his name and the dotted line.
2 So that's showing that it -- when purchasing these CDs, he gave USAA the
3 routing number of the Federal Reserve and an account number 244XXXXXX,
4 which, of course, is just one digit off his Social Security number.

5
6 Cynthia F. Davidson Direct Examination of Zach Scrima, Trial Transcript
7 VOLUME IV, P.137; Line 13-16

8
9 A Again, he uses the Federal Reserve routing number and the account
10 number that is one digit off his Social Security number, which causes USAA to
11 request an ACH from the Federal Reserve.

12
13 Cynthia F. Davidson Direct Examination of Zach Scrima, Trial Transcript
14 VOLUME IV, P. 144; Line 21-25

15
16 Q And this is the calendar from July 2017. And so the -- paying his
17 accounts -- paying his bills with his real Social Security number and the
18 federal routing number occurred on the 3rd?

19
20 A That's my understanding, yes.

21
22 Perpetrator and coconspirator Sean O'Malley of the New York Federal
23 Reserve Bank sashayed in the trial with a whole new story. He dispensed with the
24 social security number altered by one digit nonsense. He sang a new tune. He
25 testified if someone has just the "routing number" they can access funds at the
26 Federal Reserve Bank because the funds are kept in the "routing numbers." He
27 says you can use whatever account number and name you want. It's the routing
28 number that matters. It's such an outrageous lie it's hard to believe he was allowed
29 to tell it. Trial excerpt:

30
31 Cynthia F. Davidson Direct Examination of Sean O'Malley, Trial Transcript
32 Volume III, P.188, Line 6-7

33
34 A ...they would be able to pull funds out of the routing number...

35
36 Heather-Ann:Tucci:Jarraf Cross Examination of NY Federal Reserve Bank
37 Sean O'Malley, Trial Transcript Volume IV, P.63-64, Line 17-25; 1-3

38
39 Q Maybe I can make it clearer, because there might be a structural issue
40 there. If someone had just the routing number, a valid routing number, even

1 **with incorrect account name and incorrect account number, they would be**
2 **able to, at least for a period of time, make that pull using the ACH system?**

3
4 A They could direct their financial institution to execute the ACH debit,
5 if that's what you're saying. **The answer is yes,** except for the scenarios in which
6 some – some routing numbers may have the ACH debit disabled, so absent that,
7 **yes, it would go.** But most -- most institutions won't have it disabled.

8
9 Perpetrator and conspirator Sean O'Malley actually testified all you need is
10 the routing number to access the account. He also said it takes two days to
11 determine if an account exists. The routing number identifies the bank. The
12 account number identifies the holder. Here's what Sapling.com says:

13 <https://www.sapling.com/8038665/bank-account-number-standards>

14
15 THE BASICS / SAVING

16 Bank Account Number Standards

17 By Cam Merritt | Updated March 28, 2017

18 Bank account numbers in the United States don't follow any standard format from one institution to
19 the next, although the system that handles electronic payments limits the overall length of account
20 numbers. Dozens of other countries, mostly in Europe and the Middle East, have adopted a common
21 standard for account numbers.

22 ACH Limitation

23 U.S. banks are free to use any numbering system they want for their accounts. However, if those
24 accounts are going to send and receive electronic payments, then the number cannot be more than
25 17 digits long. That limit comes from the Automated Clearing House, the computer network that
26 handles transactions such as direct deposits and direct-debited bill payments. The ACH software
accepts account numbers only up to 17 digits, so that's the limit for "ACH-enabled" accounts.

Bank Routing Numbers

Although bank account numbers are not standardized, the routing numbers that identify the banks themselves follow a set formula. This ensures that transactions get submitted to the correct banks; from there, the bank applies the transaction to the specified account. Routing numbers are always nine digits long. The first two digits indicate the Federal Reserve district where the bank is located. There are 12 districts: Boston, 01; New York, 02; Philadelphia, 03; Cleveland, 04; Richmond, Va., 05; Atlanta, 06; Chicago, 07; St. Louis, 08; Minneapolis, 09; Kansas City, Mo., 10; Dallas, 11; and San Francisco, 12. If the "bank" is actually a thrift, such as a credit union or savings and loan, the first digit will be increased by 2 -- so 22 would be a thrift in the New York district, and 32 would be a thrift in the San Francisco district.

During perpetrator and coconspirator Cynthia F. Davidson's redirect examination she slips and calls the accounts "Treasury deposit accounts." Understanding that there is a difference between Treasury direct deposit accounts and TreasuryDirect accounts perpetrator and coconspirator Sean O'Malley is quick to remind her. Trial excerpt:

Cynthia F. Davidson Redirect Examination of Sean O'Malley, Trial Transcript VOLUME 4, Pg.75 Line 10-14

Q Okay. The **Treasury deposit accounts**, okay, as I understood your testimony, these are the accounts of the United States Treasury?

A **I think the term that we -- that was used before was TreasuryDirect.**

Perpetrator and conspirator Sean O'Malley knows there is a difference between a treasury direct depository account and a TreasuryDirect account that's

1 why he corrected perpetrator and conspirator Cynthia F. Davidson to keep her on
2 track with the conspiracy. They wanted the jury to believe the case was about
3 TreasuryDirect accounts and not treasury direct depository accounts. If one
4 accessed a TreasuryDirect account (which is not possible without hacking) that
5 would be fraud. If one accessed his/her treasury direct depository account with
6 his/her social security account number and name that is not fraud.

7 The fabricated evidence extends beyond just testimony. The perpetrators
8 and conspirators used a disposed of South Carolina statewide misdemeanor traffic
9 related bench warrant.

10 The perpetrators and conspirators used a fraudulent fictitious signed
11 Tennessee district court arrest warrant to arrest Mr Beane and Mrs. Tucci:Jarraf. It
12 was not signed by the clerk. (Att. #10)

13 There is no doubt the perpetrators and coconspirators flagrantly abused the
14 judicial process. The case should have been dismissed because of the fabricated
15 evidence used to create a crime:

16 1) Presenting a disposed of South Carolina statewide misdemeanor traffic
17 related bench warrant,

18 2) Fraudulent fictitious signed Tennessee district court arrest warrants,

19 3) Concealing the fact the FBI did not have jurisdiction to intervene in Mr.

20 Beane's private business transaction,

1 4) Making up a story about Randall-Keith:Beane using his social security
2 account number and changing the third digit by one digit

3 5) Concealing the fact that there was no FDIC claim, and the FDIC does not
4 cover stolen funds which meant the alleged plaintiff, United States of America, did
5 not have standing,

6 6) After the trial, perpetrator and conspirator Anne-Marie Svolto and J.
7 Douglas Overbey set out to steal private property by filing a motion for order of
8 forfeiture and stating “The defendant admitted to...**using a fictitious bank**
9 **account number** (i.e., defendant’s Social Security Number)...” (Att. #66.2) At no
10 time did Mr. Beane admit to using a fictitious bank account number. A “fictitious”
11 bank account means it does not exist. Mr. Beane used his exact social security
12 account number, which is not fictitious, to access his treasury direct depository
13 account.

14 7) Perpetrator and coconspirator Cynthia F. Davidson lied in the indictment
15 when she alleged “The scheme involved...**a fictitious bank account number.**”
16 (Att. #71.2, ¶ 9, #71.3, ¶ e) She goes on to say “It was part of the scheme to make
17 numerous attempts using the valid routing number and fictitious bank account
18 number...” She’s implying Mr. Beane had to guess the correct account number.
19 To guess the correct account number would have required a lot more than
20 “numerous attempts.” (Att. #71.2, ¶ 10, Att. #71.4) And exactly how do you
21 guess at something that Davidson said does not exist, is imaginary, made up,
22 nonexistent – “fictitious?”

23 8) Perpetrator and coconspirator Cynthia F. Davidson lied in the indictment
24 when she stated “Heather Ann Tucci Jarraf purported to be Beane’s attorney.” (Att.
25 #71.2, ¶ 12) Mrs. Tucci:Jarraf was Mr. Beane’s attorney/lawyer insofar as she
26 was the lawyer for the Randall Keith Beane Factualized Trust. Perpetrator and
27 conspirator Cynthia F. Davidson knows there is a difference between an
28 attorney/lawyer (not a member of the BAR) and an attorney-at-law/officer of the
29 court (a member of the foreign **British** Accreditation Registrar aka BAR). Mrs.
30 Tucci:Jarraf did not claim to be an attorney-at-law/officer of the court and deceitful
31 and dishonest perpetrator and conspirator Cynthia F. Davidson knew that.
32 Perpetrator and conspirator Cynthia F. Davidson wanted the grand jury to believe

1 Mrs. Tucci:Jarraf had illegally presented herself as an attorney-at-law/officer of the
2 court so she put it in the indictment as though it were a fact.

3 9) Perpetrator and coconspirator Cynthia F. Davidson lied in the indictment
4 when she stated "...returned as invalid because...there was no valid account
5 number entered." (Att. #71.3, ¶ f) In the trial she asked a witness for the funding
6 number and to confirm the amount funded. The witness responded the funding
7 number was 244391135 and agreed the amount funded was \$31,000,494.974. (Att.
8 #31.2) Clearly, Davidson knew the transactions were not returned as invalid why
9 else would she ask for the funding number and confirmation of the amount funded?
10 She intentionally deceived the grand jury into believing something she plainly
11 knew was not true. (Att. #71.3)

12 10) Perpetrator and conspirator Cynthia Davidson lied in the indictment when
13 she alleged "...commit certain offenses against the United States." (Att. #71.6, ¶
14 19) Perpetrator Cynthia F. Davidson said the plaintiff is United States of
15 America. She said the victim is USAA Bank. But the "offenses" were committed
16 against the United States. One of the problems with manufacturing a charge is
17 keeping all the lies straight.

18
19 All of these things add up to egregious intentional misconduct that
20 deliberately interfered with the judicial system's ability to impartially adjudicate
21 the matter and hampered Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf's
22 defense. They intentionally presented false evidence to secure an indictment and a
23 conviction and this constitutes fraud upon the court. They all intentionally and
24 willfully misled the court.

25 It was a conspiracy against Randall-Keith:Beane and Heather-
26 Ann:Tucci:Jarraf and the district judges and appellate judges were part of it. They
27 did nothing to uphold the judicial machinery of the court to ensure the court was
28 unbiased and was governed by the rule of law.

1 What kind of court did the perpetrators and coconspirators operate? It
2 certainly wasn't a court of law. In a court of law you are innocent until proven
3 guilty and that's certainly not what took place in this case. There was no
4 presumption of innocents. It was more like a secret administrative court – a
5 kangaroo human trafficking court that completely ignored the law – the law of the
6 land. The judges, without a doubt, violated their oath of office.

7 “Any judge who does not comply with his oath to the Constitution of the
8 United States wars against that Constitution and engages in acts in violation of the
9 supreme law of the land. **The judge is engaged in acts of treason.**” (Cooper v.
10 Aaron, 358 U.S. 1, 78 S. Ct. 1401; 1958)

11 Perpetrators and conspirators Thomas A. Varlan and C. Clifford Shirley did
12 not present to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf their authority
13 or jurisdiction. They cited a US code (18 U.S. Code § 3231 – Att. #24) which is
14 not law, but rather, evidence of the law. It is not one of the two ways for a federal
15 court to gain subject matter jurisdiction. 18 U.S. Code § 3231 says, “The district
16 courts of the United States shall have original jurisdiction, exclusive of the courts
17 of the States, of all offenses against the laws of the United States.” According to
18 § 3231, Mr. Beane and Mrs. Tucci:Jarraf would have to commit **an offense**
19 **against the laws** of the United States which is not possible – nor did they violate
20 or break the laws of the United States. In addition, Black's law dictionary and

1 Bouvier's law dictionary define an "offense" as a crime not indictable. (Att. #9.3,
2 #69, #70)

3 You can't claim original jurisdiction of all offenses against the laws of the
4 United States and not be able to cite **the actual law** (not color of law) that gives
5 one that jurisdiction.

6 28 U.S. Code § 1331- Federal question (Att. #5 and #6) - states "The
7 **district courts** shall have **original jurisdiction** of all **civil actions** arising under
8 the Constitution, laws, or treaties of the United States." It is clear the jurisdiction is
9 in civil actions. It makes no mention of criminal actions. 18 U.S. Code § 3231
10 (Att. #24) does not mention the constitution, laws, treaties, criminal or civil.

11 The perpetrator and conspirator judges and attorneys all played a revised
12 legal game with their own made up rules unknown to Randall-Keith:Beane and
13 Heather-Ann:Tucci:Jarraf.

14 The district court judges and appellate judges are to act impartially and
15 lawfully. They did neither. The entire case was corrupted and the decisions were
16 produced by fraud upon the court.

17 The district court judges violated the due process clause of the constitution
18 and the appellate judges ignored it. The Supreme Court has said if a judge wars
19 against the constitution, or if he/she acts without jurisdiction, he/she has **engaged**
20 **in treason**. (Att. #45) If a judge acts after he has been automatically disqualified

1 by law, then he is **acting without jurisdiction** which **means** he/she is engaged in
2 **criminal acts of treason.** (Att. #45)

3 C) **Wrongful Selective Prosecution**

4 DEFINITION - Selective Prosecution – The practice or an instance of a criminal
5 prosecution brought at the discretion of a prosecutor rather than as a matter of
6 course in the normal functioning of the prosecuting authority's office. Selective
7 prosecution violates the Equal Protection Clause if **a defendant is singled out**
8 **when others similarly situated have not been prosecuted and the prosecutor's**
9 **reasons for the disparate treatment are impermissible.** (Black's Law
10 Dictionary, Second Pocket Edition, 2001, P. 631)

11 Unite States Attorney perpetrators and coconspirators engaged in selective
12 prosecution. They falsely prosecuted Randall-Keth:Beane and Heather-
13 Ann:Tucci:Jarraf in order to hide the theft of \$31,000,494.97 stolen from Randall-
14 Keth:Beane, and to punish Heather-Ann:Tucci:Jarraf for her Uniform Commercial
15 Code filings.

16 Tens of thousands, possibly hundreds of thousands of Americans accessed
17 their treasury direct depository account during this same time frame and yet
18 Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf are the only ones to be
19 prosecuted. Heather-Ann:Tucci:Jarraf did not even access her account and they
20 went after her because of her UCC filings. Trial excerpt:

21 **Randall-Keth:Beane Cross-examination of Sean O'Malley, Trial Transcript**
22 **Volume 4, P.74-75 line 3-25; 1-4**

23 Q Another question. **You haven't made it very clear just how many**
24 **people like myself have been arrested out of the tens of thousands who have**

1 accessed accounts that they felt like were legitimate. Could you make that
2 clear to me?

3
4 A I don't know the numbers.

5
6 Q Are you the fraud investigator?

7
8 A So, remember, the Federal Reserve doesn't have jurisdictions over
9 individuals. That would be the FBI, so -- or the local police.

10
11 Q Have you made calls to the FBI to have other people arrested?

12
13 A I've made calls to the FBI to tell them about the scam so that they
14 could open investigations or that they were at least aware of it, yeah.

15
16 Q Could you give us an average number of how many calls you might
17 have made to have people arrested?

18
19 A So you're linking the arrest. What I'm saying is to open an
20 investigation -- so, you know, I don't direct this person to be arrested, that person.
21 It's -- there is a crime going on, which I want to make sure you are -- you have
22 knowledge of it. And because of that, you may -- "you" being the FBI -- may want
23 to open up a criminal investigation on it.

24
25 Q Are you aware that no one contacted me and asked me if I felt
26 like these funds were legitimate or not, or are you just assuming that I was
27 scamming?

28
29 A As you said before, I know nothing about you or --

30
31 Q MR. BEANE: Right. Thank you. No further questions.

32
33 Heather-Ann:Tucci:Jarraf Cross-examination of Sean O'Malley, Trial
34 Transcript Volume 3, P. 217, Line 2-6

35
36 A So I don't dispute that it was hundreds of thousands. I know that
37 it was in the -- at minimum in the tens of thousands in a very short period of
38 time, so it very well could be. I wasn't involved in looking at the aggregate
39 numbers as to what it ended up being at the end of the day.

1 The perpetrators and coconspirators didn't care about the instigator who sent
2 out the video telling everyone how to access their treasury direct depository
3 account – Harvey Dent. Trial transcript:

4 **Heather-Ann:Tucci:Jarraf Cross Examination of Sean O'Malley (NY Federal**
5 **Reserve Bank), Trial Transcript Volume IV, P. 42-43, Line 18-25, 1-13**

6 Q I'm -- I will narrow that down. Have you seen the video that **Harvey Dent**
7 supposedly put out on July 1st, 2017 regarding use your secret accounts?

8
9 A I've seen **Harvey Dent** talking about using your secret account at the Federal
10 Reserves. I don't know what the date of the YouTube video was.

11
12 Q Okay. Was it around July 1st that this ACH problem started to be incurred?

13
14 A It was in the first few days of July, yeah.

15
16 Q And was it just the Federal Reserve Bank of New York that experienced
17 this issue or was it all 12 of the Federal Reserve Banks?

18
19 A It was actually only about half of them. Because -- well, we're not really
20 sure why, but we speculate that – I believe that the person who goes by the name
21 of **Harvey Dent** talked about looking at your Social Security card and flipping
22 it to the other side, and then I think that there was a number on the other side of the
23 Social Security card, and he said that that number relates to the Federal Reserve
24 Bank in – that maintains your account. This is the scam that he -- you know,
25 the theory that he was putting out.

26 **Heather-Ann:Tucci:Jarraf Cross Examination of Sean O'Malley (NY Federal**
27 **Reserve Bank), Trial Transcript Volume IV, P. 57-58, Line 24-25; 1-4**

28 Q Did you say this particular scam was initiated by this video that **Harvey**
29 **Dent** -- that someone called **Harvey Dent** put out, the initial video on July 1st?

30
31 A There's a high probability, the linkage, yeah.

32
33 Q Okay. High probability of linkage, you said?

1 A Yeah.

2 The FBI and US Attorney perpetrators and coconspirators didn't care about
3 anyone else who accessed their treasury direct depository account. Perpetrator and
4 coconspirator Sean O'Malley testified tens of thousands or hundreds of thousands
5 of Americans accessed their treasury direct depository account during the same
6 time period, but only two drew the wrath of the FBI and US Attorney perpetrators
7 and conspirators. Mrs. Tucci:Jarraf didn't even access her account.

8 **XVI) Knowing Misrepresentation of Definition – (A) Money Laundering –**
9 **(B) Affect Interstate Commerce – (C) Fraud**

10

11 **(A) Money Laundering**

12 Perpetrators and conspirators Cynthia Davidson and Parker Still talk about
13 conversations being an example of money laundering to a "T." Their definition of
14 money laundering is as follows:

15 **Cynthia F. Davidson Questioning Parker Still, Grand Jury Transcript, P. 55-**
16 **56, Line 23-25, 1-2**

17

18 Q And then to commit money laundering, which is in this case to
19 transfer the money out of USAA to Whitney Bank for the purchase of this RV,
20 which is basically to get the money out of USAA so that they can't get it back?

21

22 A That's correct. Yes, ma'am."

23

24 Transferring money from one's personal bank account to a retailer for the
25 purchase of an item is called shopping—not money laundering.

26 GRAND JURY excerpt:

27

1 **Grand Jury Testimony, Cynthia Davidson Questions Parker Still, Grand Jury**
2 **Transcript, P. 38, Line 13-16**

3
4 Q And the money laundering was basically the Count 5, transferred to
5 Whitney Bank for purchase of the motor home?

6
7 A Yes, ma'am."

8
9 GRAND JURY excerpt:

10
11 **Grand Jury Testimony, Cynthia Davidson Questions Parker Still, Grand Jury**
12 **Transcript, P. 51-52, Line 15-25; 1-8**

13
14 **THE GRAND JUROR: Can you summarize the evidence against Mr.**
15 **Beane in terms of money laundering?**

16
17 **THE WITNESS (Parker Still): Yes sir. So what we have – the evidence**
18 **wise would be the conversation that – where Ms. Jarraf is on there with –**

19
20 Q (By Ms. Davidson) The recording telephone call?

21
22 A Yes. That is – that is the – that is – so that's where we see, you know
23 where she is trying to influence – based on my investigative experience **she is**
24 **trying to influence this situation, make this transaction go through**, this money
25 laundering transaction of this – the \$493,000 in order to purchase this – this motor
26 home. And her knowledge of – how do I say this, **she has knowledge of these**
27 **funds**; right, because what if – I mean, I can see where you could say – be thinking
28 she was just an attorney on behalf of her client trying to – even though **she's not**
29 **licensed in the state of Tennessee**, trying to make this deal happen.

30
31 The grand juror asked about Mr. Beane but perpetrator and conspirator
32 Parker Still shifted to Mrs. Tucci:Jarraf because he knew there was no evidence
33 Mr. Beane engaged in money laundering. The most he could come up with
34 regarding Mrs. Tucci:Jarraf was to throw out the deception that she's not
35 "licensed" in Tennessee. NEWS FLASH – he isn't either! Have no doubt he

1 knows the difference between his BAR “membership card” and a “license.” Mrs.
2 Tucci:Jarraf is a lawyer/attorney who was working on behalf of her client – The
3 Randall-Keith Beane Factualized Trust and he knew it.

4 **Grand Jury Testimony, Cynthia Davidson Questions Parker Still, Grand Jury**
5 **Transcript, P. 54, Line 4-20**
6

7 **A GRAND JUROR:** Again, the statements in the video that suggests
8 she was aware that she was involved in the money laundering? Did her
9 statements in that video she posted suggest she was –
10

11 **THE WITNESS (Parker Still):** Statement – statements that she didn’t –
12

13 **THE GRAND JUROR:** Well, that suggested to you as a witness that she –
14

15 **THE WITNESS (Parker Still):** That the – when I look at the conversations
16 with Buddy Gregg and then the second conversation that she has – I mean, **with**
17 **the information she puts out that to me shows knowledge** that this – **where the**
18 **source funds were.** When you assist in that, when you assist in a transaction that
19 type to me that is – **that’s money laundering to a T.**
20

21 Perpetrator and conspirator Parker Still did not provide the juror with
22 statements that proved Mrs. Tucci:Jarraf “was aware that she was involved in the
23 money laundering” because there was no money laundering and he knew it.
24 Perpetrator and conspirator Parker Still started speaking gibberish - the language of
25 liars.
26

27 The FBI says, “While many definitions for money laundering exist, **it can**
28 **be defined very simply as turning “dirty” money into “clean” money.”** (Att.
29 #76) Keep in mind perpetrator and conspirator Parker Still works for the FBI so he
30 knows the FBI’s definition of money laundering. Perpetrator and conspirator
31 Parker Still’s definition of money laundering presented to the grand jury was just
32 another con – another lie – another deception.
33

34 Let’s see who agrees with perpetrators and coconspirators Parker Still and
35 Cynthia F. Davidson’s ridiculous definition of money laundering.
36

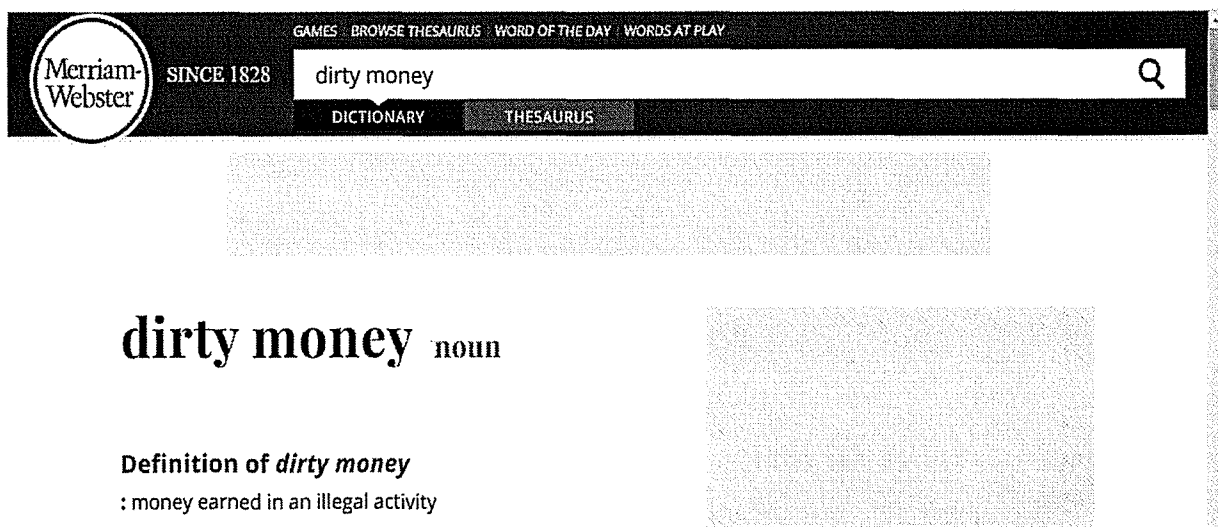
37 **DEFINITION** - **Money Laundering**

- 1) Money Laundering – “The act of **transferring illegally obtained money through legitimate people or accounts so that its original source cannot be traced**. (Black’s Law Dictionary, 9th Edition, P. 1097)
- 2) Money Laundering – “Money laundering refers to a **financial transaction scheme that aims to conceal the identity, source, and destination of illicitly-obtained money**. The money laundering process can be broken down into three stages. **First**, the illegal activity that garners the money places it in the launderer’s hands. **Second, the launderer passes the money through a complex scheme of transactions to obscure who initially received the money** from the criminal enterprise. **Third**, the scheme returns the money to the launderer in an obscure and indirect way.”
(https://www.law.cornell.edu/wex/money_laundering)
- 3) Definition of Money Laundering – The act of **disguising the source or true nature of money obtained** through illegal means.
(<https://legaldictionary.net/money-laundering/>)
- 4) Money laundering is the process of making illegally-gained proceeds (i.e. "dirty money") appear legal (i.e. "clean"). Typically, it involves three steps: placement, layering and integration. First, the illegitimate funds are furtively introduced into the legitimate financial system. Then, **the money is moved around to create confusion**, sometimes by wiring or **transferring through numerous accounts**. Finally, it is integrated into the financial system through additional transactions until the "dirty money" appears "clean." Money laundering can **facilitate** crimes such as **drug trafficking** and **terrorism**, and can adversely impact the global economy.
(<https://www.fincen.gov/history-anti-money-laundering-laws>)
- 5) Money laundering is the illegal process of **making large amounts of money generated by a criminal activity, such as drug trafficking or terrorist funding, appear to have come from a legitimate source**. The money from the criminal activity is considered dirty, and the process "launders" it to make it look clean.
(<https://www.investopedia.com/terms/m/moneylaundering.asp>)
- 6) Money laundering generally refers to financial transactions in which criminals, including **terrorist organizations, attempt to disguise the proceeds, sources or nature** of their illicit activities. Money laundering facilitates a broad range of serious underlying criminal offenses and

ultimately threatens the integrity of the financial system.
(<https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/money-laundering>)

- 7) Money laundering is the process by which criminals **conceal or disguise** their proceeds and make them appear to have come from legitimate sources. While many definitions of money laundering exist, it can be defined very simply as **turning “dirty” money into “clean” money**.
(<https://www.fbi.gov/news/stories/combating-the-growing-money-laundering-threat>) (Att. #76)

FinCen, Investopedia, Treasury.gov, legaldictionary.net, law.cornell.edu, Black’s Law Dictionary, and the FBI – none of them agree with the perpetrators and coconspirators definition of money laundering. The official FBI definition of money laundering is “turning dirty money into clean money.” What is dirty money? Merriam-Webster says dirty money is “money **earned** in an illegal activity. Fincen, Investopedia, and Treasury.gov describe illegal activity as drug trafficking or terrorist funding.



1 What illegal activity did the perpetrators accuse Mr. Beane and Mrs. Tucci:
2 Jarraf of? The perpetrators and conspirators had to fabricate a “fraud” and
3 “money laundering” charge because Mr. Beane and Mrs. Tucci:Jarraf did not
4 engage in any illegal or unlawful activity to charge. That’s why they made up the
5 nonsense about Mr. Beane ‘altered his social security account number by one
6 digit,’ and ‘Mr. Beane used his account number off by one digit.’ In other court
7 documents they said Mr. Beane used a fictitious bank account (never
8 acknowledging “fictitious” means imaginary—non existent). These were all lies
9 strung together because there was no illegal or unlawful activity by Mr. Beane or
10 Mrs. Tucci: Jarraf. They had to make it up.

11 Drug cartels, human trafficking rings, high profile corrupt politicians,
12 bankers, CEOs and terrorists launder money. Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf did not launder money. In furtherance of their conspiracy
14 perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto
15 criminalized innocent conduct. They took a shopping event and fabricated the
16 crime of money laundering. They knew Mr. Beane purchased an extended
17 warranty for the motorhome because he planned to keep it and live in it. (Att.
18 #32.3) They understand that putting private property in a trust named for Mr.
19 Beane is considered estate planning.

1 For perpetrators and coconspirators Parker Still, Cynthia F. Davidson, and
2 Anne-Marie Svolto it is not the act of moving money around so it can't be traced
3 that is money laundering. It is the act of shopping and having a second telephone
4 conversation and purchasing a motorhome to live in – that's the definition of
5 money laundering to a "T" they intentionally misrepresented to the grand jury and
6 the trial jury.

7 The perpetrators and coconspirators definition of money laundering bears no
8 similarity to the definition of money laundering offered by Black's Law
9 Dictionary, FinCen.gov, law.cornell.edu, legaldictionary.net, Investopedia,
10 treasury.gov, or the FBI.

11 Money laundering involves laundering "dirty" money. Mr. Beane was not
12 dealing with dirty money. Mr. Beane's electronic digits were not illegally obtained
13 money. Mr. Beane accessed his treasury direct depository account. The
14 perpetrators and conspirators did not cite an actual law, color of law, or color of
15 law code/statute that says accessing one's treasury direct depository account with
16 one's private social security account number, name, and Federal Reserve Bank
17 routing number is unlawful.

18 Mr. Beane behaved like a typical consumer. He wanted a motorhome to live
19 in so he shopped for it and purchased one. Many of us like a standing still home

1 and likely would have purchased a stick-built house. He wanted a home that
2 would make it more convenient for him to do the job he loved.

3 Here's Mr. Beane's trial testimony regarding the motorhome purchase:

4 **Randall-Keith:Beane Direct Testimony, Trial Transcript, Volume IV – P. 177**
5 **– Line 6-14**

6
7 “As a matter of fact, at the time, I was paying for two apartments. I
8 thought, if I get a coach, I can eliminate those hotel cost, I can move out of my
9 apartment, and I've got something to live in and be on the road and do my job. I
10 can continue to work, because I love my job. **So that was my intention in**
11 **purchasing a coach.** I was excited about that. I saw a future with it. No intention
12 of hiding money. It was using it wisely in my eyes. That was all the intention that I
13 had.”

14
15 Mr. Beane's USAA bank account was in his appellation and the trust
16 holding the motorhome was Randall Keith Beane Factualized Trust. All “funds”
17 went through USAA Bank in his appellation. Where's the hiding? There was no
18 hiding. The perpetrators and coconspirators lied-lied-lied in furtherance of their
19 plot and conspiracy.

20 Mr. Beane did not run the money through a number of legitimate businesses
21 as one who is laundering or cleaning dirty money would do. Mr. Beane was not
22 hiding his digits. Mr. Beane did not conceal the source of the digits. Mr. Beane
23 deposited the digits into his personal bank account at USAA Bank. Everybody
24 knew where the digits came from and where they went even though it was none of
25 their business because they did not have a court subpoena. There was no secret
26 about Mr. Beane's transactions.

1 **(B) Affect Interstate Commerce**

2
3 **7 U.S. Code § 1301.** - “(4) The term “**affect** interstate and foreign

4 commerce” **means**, among other things, in such commerce, or **to burden or**
5 **obstruct** such commerce or **the free and orderly flow** thereof; or to create or tend
6 to create a surplus of any agricultural commodity which burdens or obstructs such
7 commerce or the free and orderly flow thereof.

8 **29 USC § 152 (7),** - the term “**affecting commerce**” **means** in

9 commerce, or **burdening or obstructing commerce or the free flow of**
10 **commerce,**

11 Here’s the perpetrators and conspirators’ definition of “affecting interstate
12 commerce:”

13
14 **Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand**
15 **Jury Transcript, P. 29, Line 3-5**

16
17 Q And was that a **signal** in interstate commerce?

18
19 A Yeah. It would be a mobile app. So, yes, ma’am.”

20
21 **Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand**
22 **Jury Transcript, P. 31, Line 5-10**

23
24 Q And so did – that wire transmission, was it a **signal in interstate**
25 **commerce?**

26
27 A Yes, ma’am.

28
29 Q And was this wire transmission in furtherance of the fraud?

30
31 A Yes, ma’am.”

1 Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand
2 Jury Transcript, P. 33, Line 4-9)

3
4 Q And was it a signal that affected interstate commerce?

5
6 A Yes, ma'am.

7
8 Q And was this transaction in furtherance of the fraud?

9
10 A Yes, ma'am."

11
12 Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand
13 Jury Transcript, P. 34, Line 4-9)

14
15 Q And was it – was wire this transmission a signal in interstate
16 commerce?

17
18 A It was, yes, ma'am.

19
20 Q And was this transmission in furtherance of the fraud?

21
22 A It was.

23
24 The perpetrators and conspirators changed the meaning of "affect interstate
25 commerce" to mean a "signal" was sent. However, 7 U.S. Code § 1301(4) says
26 "affect interstate and foreign commerce" means to burden or obstruct the free flow
27 of commerce.

28 The actual definition of "affect interstate commerce" has nothing in common
29 with the perpetrators and conspirators made up definition about a "signal."

30 (C) **Fraud**

31 A Law Dictionary Adapted to the Constitution and Laws of the United States of
32 America and of the Several States of the American Union by John Bouvier,
33 Revised Sixth Edition, Pg. 807

1 **FRAUD,** contracts, torts. **Any trick or artifice** employed by one person
2 **to induce another to fall into an error,** or to detain him in it, so that he may make
3 an agreement contrary to his interest. The fraud may consist either, first, in **the**
4 **misrepresentation,** or, secondly, in **the concealment of a material fact.** Fraud,
5 force and vexation, are odious in law. Booth, Real Actions, 250. **Fraud gives no**
6 **action, however, without damage;** 3 T. R. 56; and in matters of contract it is
7 merely a defense; it cannot in any case constitute a new contract. 7 Vez. 211; 2
8 Miles' Rep. 229. It is essentially ad hominem. 4 T. R. 337-8.”

9 **Black's Law Dictionary, Ninth Edition, Pg. 731**

10
11 **Fraud.** “**A knowing misrepresentation of the truth** or concealment of
12 a material fact **to induce another to act to his or her detriment.** A misrepresentation
13 made recklessly without belief in the truth to induce another person to act.”

14 **Black's Law Dictionary, 4th Edition, Page 788**

15 **FRAUD.** “ An **intentional perversion of truth** for the purpose of
16 inducing another in reliance upon it to part with some valuable thing belonging to
17 him or to surrender a legal right; a false representation of a matter of fact, whether
18 by words or by conduct, by **false or misleading allegations,** or by **concealment of**
19 **that which should have been disclosed,** which **deceives and is intended to**
20 **deceive...**” (Black's Law Dictionary, 4th Edition, Page 788)

1 Who did the perpetrators and conspirators allege Randall-Keith:Beane or
2 Heather-Ann:Tucci:Jarraf trick? What material fact(s) were they alleged to have
3 concealed or misrepresented? Who are they accused of inducing to fall into error?
4 “Fraud gives no action without damage” so who did Mr. Beane and Mrs.
5 Tucci:Jarraf allegedly damage? They certainly did not damage the plaintiff,
6 United States of America, and USAA Bank did not step forward to offer a sworn
7 affidavit complaint.

8 The United States of America was not tricked. No material fact was
9 misrepresented or concealed from the United States of America. The United States
10 of America was not induced to fall into error. The United States of America did
11 not sustain damage. (Att. #33.2)

12 The perpetrators and conspirators, on numerous occasions, said their hidden
13 secret concealed true “victim” was USAA Bank. USAA Bank was not the
14 plaintiff, but we make the same statements: 1) USAA Bank was not tricked, 2)
15 No material fact was misrepresented or concealed from USAA Bank, 3) USAA
16 Bank was not induced to fall into error, and 4) USAA Bank did not provide proof
17 they sustained damage.

18 There was no fraud by Mr. Beane. The perpetrators and coconspirators just
19 made it up to move forward their conspiracy to deprive Randall-Keith:Beane and

1 Heather-Ann:Tucci Jarraf of their freedom and liberty so that they could steal the
2 \$31,000,494.97 from Mr. Beane's account without question or challenge.

3 **XVII) Treasury Direct Depository Account-- Social Security Account**
4 **Number**
5

6 As part of the plot and conspiracy, the perpetrators and coconspirators made
7 up a story about Randall-Keith Beane changing his social security account number
8 by one digit in order to access his treasury direct depository account (TDDA).

9 There is no crime against accessing your TDDA. They didn't charge
10 Randall-Keith:Beane with computer hacking nor did they explain how he would
11 have known to change his social security account number by moving the third digit
12 of his social security account number up one digit to access his treasury direct
13 depository account. There are nine numbers in a social security account number.
14 How would Mr. Beane know to change the third digit? And how would he know
15 to move that third digit up one digit? They implied computer hacking but did not
16 accuse or charge computer hacking because they knew there was no computer
17 hacking. They knew the correct account number is Randall-Keith:Beane's social
18 security account number.

19 A social security number has nine digits. You would have to make
20 thousands/millions of guesses to figure out which digit was incorrect to get the
21 right sequence of numbers. How would Randall-Keith:Beane know it was the third
22 digit that needed to be changed by one digit? How would he know that? Why

1 didn't they make an accusation of computer hacking? A hacker is the only one
2 who could have figured out which digit to change and it would have taken him/her
3 millions of guesses with the assistance of a computer hacking program. The
4 perpetrators and conspirators accusation that Mr. Beane altered his social security
5 account number by one digit shows their intent to commit fraud and conspiracy
6 against Randall-Keith:Beane and deprive him and Heather-Ann:Tucci:Jarraf of
7 life, liberty and their God-given rights.

8 Monica Alcala (USAA Bank fraud investigator) tried to tell the truth that
9 Mr. Beane used his actual social security account number (Att. #30.6) to access his
10 treasury direct depository account, but perpetrator and coconspirator Cynthia F.
11 Davidson kept guiding her back to the lie.

12 Knowing it would be perjury, perpetrator and conspirator Cynthia F.
13 Davidson continued to guide Monica Alcala to lie under oath and say that Mr.
14 Beane's social security number was altered by one digit. As stupid as this lie is –
15 and it is, indeed, a special kind of stupid – they could not charge Mr. Beane with
16 fraud and admit he used his own social security account number. They had to lie
17 in order to charge fraud. There is NO FRAUD if Mr. Beane used his correct social
18 security account number. It was very important for the success of the conspiracy
19 to keep the lie going that Mr. Beane altered his social security account number. It
20 was so important they wouldn't allow Monica Alcala (USAA Bank Fraud

Investigator) to tell the truth. In response to perpetrator and conspirator Cynthia Davidson's January 23, 2018 question "Q - And what was the account number," Ms. Alcala responded truthfully, "A - The account number was Randall Beane's Social Security number." (Trial Transcript, Volume I, P. 129, Line 8-12) By the next day, January 24, 2018, perpetrator and conspirator Cynthia Davidson asked Ms. Alcala "Q - Is it the same account number based on his Social Security number" and Ms. Alcala succumbed to the lie and responded, "A - It's off by one digit." (Trial Transcript, Volume II, P. 17, Line 4-6)

XVIII) False Personation

Perpetrator and coconspirator True Brown (USAA Bank Investigator) initially misled Jerald Byrne (Buddy Gregg RV Sales Manager) into believing he was a FBI agent in violation of 18 U.S Code § 912. (Att. #11) There's one reason to pretend to be a FBI agent and that's to unlawfully exercise authority of the United States for the purpose of soliciting valuable information and cooperation one would otherwise not receive. It would be to gain some benefit to cause harm to Randall-Keith:Beane. Under cross-examination by perpetrator and conspirator Anne-Marie Svolto, Mr. Beane testified:

Trial Transcript Volume 5, P. 14, Line 11-22 (Att. #34.3)

Q. You didn't know that you should -- that the person who was asking questions about this whole -- these -- all of these transactions was True Brown?

1 A. No. No, at that point, he was identified as an FBI agent.

2 Q. You knew on the call with Buddy Gregg that True Brown was with USAA,
3 and Lauren Palmisano with Whitney Bank gave you that information on that
4 conference call, didn't she?

5 A. **Mr. Brown was introduced as an FBI agent to begin with.**

6 Perpetrator and conspirator True Brown passed himself off as a FBI agent in
7 order to wrongfully instill fear and thus unlawfully elicit information. Perpetrator
8 and coconspirator Anne-Marie Svolto knew of the false personation and she did
9 nothing about it.

10 Jerald Byrne was probably already shaking in his flip flops with fear after
11 being threatened with "obstruction of justice" charges if he didn't cooperate.
12 Here's Jerald Byrne's trial testimony:

13 **Heather-Ann:Tucci:Jarraf Cross-Examination of Jerald Byrne, Trial**
14 **Transcript, Volume III, P. 55, Line 4-13)**

15

16 Q Okay. You were contacted by a man named True Brown.

17

18 A Correct.

19

20 Q And who did you believe Mr. Brown worked for?

21

22 A At the end of the conversation –

23

24 Q At the beginning of your conversation.

25

26 A **At the beginning, it was identified that he worked for the FBI.**

27

28 Q Okay. And by the end of your conversation?

1 A That he was a prior employee of the FBI. He is a current investigator
2 for USAA Bank.

3
4 **Heather-Ann:Tucci:Jarraf Cross-Examination of Jerald Byrne (Buddy Gregg**
5 **Sales Mgr.)Trial Transcript, Volume III, P. 57, Line 6-10)**

6
7 “...I mean, everything was brought up as a scam. I mean, that's how -- that's
8 how it was presented.

9
10 Q That who presented that to you?

11
12 A USAA and True Brown and Donald or Dan.”

13
14 It seems USAA Bank did not stop at false personation. Lauren Palmisano of
15 Whitney Bank explained that USAA Bank lied to her:

16 **Anne-Marie Svolto Direct Examination of Lauren Palmisano, Trial**
17 **Transcript, Volume III, P. 139-140, Line 25; 1-4**

18
19 Q Okay. And so you took note of those e-mails?

20
21 A I saved them. I briefly reviewed them, but our whole thing was that
22 he [Mr. Beane] did in fact send that wire and that **it wasn't what USAA was**
23 **claiming**, that it -- he was the one that recalled it.

24
25 Remember – perpetrator and coconspirator Parker Still said he had no reason
26 to doubt the information True Brown and USAA Bank provided to him (Att.
27 #30.2) – meanwhile USAA Bank investigator True Brown was sneaking around
28 impersonating a FBI agent, and he and others at USAA Bank were telling lies to
29 Jerald Byrne of Buddy Gregg RVs & Motor Homes and Lauren Palmisano of
30 Whitney Bank. USAA Bank personnel behaved like thugs and thieves – bottom-

1 rung crooks. Is there a reason to false impersonate and lie if you have a lawful
2 claim?

3 **XIX) Heather-Ann:Tucci:Jarraf**

4
5 Part of the perpetrators and coconspirators plot and conspiracy involved
6 making the grand jury and trial jury believe Heather-Ann:Tucci:Jarraf was
7 practicing law without a license.

8 Trial transcript:

9
10 **Parker Still Testifying before the grand jury, Grand Jury Transcript, P. 20,**
11 **Line 2-9**

12
13 “And what—what she does, **she holds herself out as an attorney**
14 **representing Mr. Beane and Mr. Beane’s trust...apparently she is an attorney.**
15 **She’s not licensed in the state of – not currently licensed in the state of**
16 **Washington...she’s not licensed in the state of Tennessee based on our research.”**

17
18 **Parker Still Testifying before the grand jury, Grand Jury Transcript, P. 52,**
19 **Line 3-8**

20
21 “And her (Heather-Ann:Tucci:Jarraf) knowledge of – how do I say this, **she**
22 **has knowledge of these funds;** right, because what if – I mean, I can see where
23 you could say – **be thinking she was just an attorney on behalf of her client**
24 **trying to – even though she’s not licensed in the state of Tennessee, trying to**
25 **make this deal happen.”**

26
27 **Cynthia Davidson Direct Examination of Parker Still, Trial Transcript,**
28 **Volume I, P. 37, Line 13-18**

29
30 Q Did you do any research to determine whether or not the defendant,
31 Ms. Heather Ann Tucci:Jarraf, is actually an attorney?

32
33 A Our office did some and determined **she was not licensed in the state**
34 **of Tennessee or in the state of Washington.”**

1 A lawyer who passes the BAR examine is **admitted** to practice before the
2 court in that certain jurisdiction. A lawyer with a BAR membership in a particular
3 jurisdiction but not “admitted” to practice in another jurisdiction may seek pro hac
4 vice (permission from the court) to be allowed to participate in a case in that
5 jurisdiction. It has absolutely nothing to do with a license. A lawyer doesn’t stop
6 being a lawyer because they weren’t admitted to practice in a certain jurisdiction
7 court. Mrs. Tucci:Jarraf’s work for the Randall Keith Beane Factualized Trust did
8 not require representation before a court. Mr. Beane could have sought the
9 assistance of an “attorney-at-law” – aka a BAR attorney who has permission from
10 the black robes to speak – but the trust did not need that kind of assistance.

11 Some would have us believe being admitted to the foreign British
12 Accredited Registry (BAR) is a license. It’s not a license – it’s a membership.
13 Mrs. Tucci:Jarraf made it clear she cancelled her membership. All kinds of
14 membership organizations are formed in which admission is a privilege. The
15 practice of law, however, is not a privilege – it is a Right! The word “admit” and
16 “license” is used interchangeably. It is said the right to be an attorney or lawyer is
17 granted by the Supreme Court. Look no further than Article III of the Constitution
18 for a description of Judicial Power. You won’t see a word in it about licensing the
19 practice of law.

20 In his grand jury testimony perpetrator and conspirator Parker Still states --

1 “Prior to joining the FBI, I was an attorney for approximately seven and a half
2 years. Still licensed to practice law. During my time as an attorney I did both
3 prosecution and I’ve done criminal defense work.” (Parker Still Testifying before
4 the grand jury, Grand Jury Transcript, P. 2, Line 19-22) As an attorney he clearly
5 knows the difference between an attorney/lawyer and an attorney-at-law/officer of
6 the court. Perpetrator and conspirator Cynthia F. Davidson also knows the
7 difference between an attorney/lawyer and an attorney-at-law/officer of the court.
8 And yet they painted a picture to the grand jury and trial jury of a woman who
9 practiced law without a ‘license’ when they knew that was not the truth.

10 **DEFINITIONS**

11
12 **lawyer.** N. An attorney; a person who has studied law or who practices
13 law. (Essential Law Dictionary, First Edition, P. 286 – Att. #81.3)

14 **attorney.** N. A lawyer; more generally, an agent appointed to act for
15 another person. (Essential Law Dictionary, First Edition, P. 41 – Att. #81.2)

16 **attorney at law.** N. A lawyer admitted by a court to practice law in a
17 particular jurisdiction, including drafting legal documents and representing clients
18 in court. (Essential Law Dictionary, First Edition, P. 41 – Att. #81.2)

19 **LAWYER.** A counsellor; one learned in the law. (Bouvier Law
20 Dictionary, Revised Sixth Edition, P. 1046 – Att. #82.1)

1 **ATTORNEY**. One who acts for another by virtue of an appointment by the
2 latter. Attorneys are of various kinds.

3 **3. All persons who are capable of acting for themselves**, and even those
4 who are disqualified from acting in their own capacity, if they have sufficient
5 understanding, as infants of a proper age and femmes coverts, **may act as attorneys**
6 **of others.**

7 5. The object of his appointment is the transaction of some business of the
8 constituent by the attorney.

9 6. The attorney is bound to act with due diligence after having accepted the
10 employment, and in the end, to render an account to his principal of the acts which
11 he has performed for him.

12 **7. Attorney at law. An officer in a court of justice**, who is employed by a
13 party in a cause to manage the same for him. (Bouvier Law Dictionary, Revised
14 Sixth Edition, P. 223 – Att. 82.2)

15 **ATTORNEY**. In the most general sense this term denotes an agent or
16 substitute, or one who is appointed and authorized to act in the place or stead of
17 another. An agent, or one acting on behalf of another. **When used with**
18 **reference to the proceedings of courts, or the transaction of business in the**
19 **courts, the term always means "attorney at law..." "Lawyer" and "attorney"**
20 **are synonymous.** (Black's Law Dictionary, 4th Edition, P. 164 – Att. #9.5 and #9.6)

1 **Attorney at law.** An advocate, counsel, or official agent employed in
2 preparing, managing, and trying cases **in the courts.** **An officer in a court of**
3 **justice,** who is employed by a party in a cause to manage it for him. (Black's Law
4 Dictionary, 4th Edition, P. 164- Att. #9.5 and #9.6)

5 According to Black's Law Dictionary, "lawyer" and "attorney" are
6 synonymous. Heather-Ann:Tucci:Jarraf called herself a lawyer. She did not
7 represent that she was an attorney-at-law/officer of the court. An attorney-at-
8 law/officer of the court is a member of the BAR. Mrs. Tucci:Jarraf made it clear
9 she cancelled her BAR membership. It was clear jury manipulation, concealment
10 and deception by perpetrators and conspirators Parker Still and Cynthia Davidson
11 to make the jury believe Mrs. Tucci:Jarraf practiced law without a license. They
12 both knew that Heather-Ann:Tucci:Jarraf used to be an attorney-at-law/officer of
13 the court. Heather-Ann:Tucci:Jarraf said "...I canceled my bar license..."

14 (Proceedings Before C. Clifford Shirley, Jr., October 18, 2017, 9:35 a.m. to 11:24
15 a.m., 92 pages, P. 7, Line 5 – no court document number on transcript.)

16 Perpetrators and conspirators Cynthia F. Davidson and Parker Still
17 misrepresented the facts to the grand jury and the trial jury to get them to believe
18 something that they knew was not true. They know the difference between an
19 attorney/lawyer and an "attorney-at-law/officer of the court," and if they didn't
20 know the difference they were obligated to search a dictionary. Their actions were

1 intentional to further the conspiracy. The decision had already been made they
2 would convict Heather-Ann:Tucci:Jarraf by whatever means necessary. They
3 worked to create the illusion of a record of dishonesty for her.

4 God help us if only attorneys-at-law (British Accreditation Registry—BAR)
5 could work on legal matters. Anyone can assist another with law or legal
6 documents.

7 “The practice of law cannot be licensed by any state/State.” (Schware v.
8 Board of Examiners, United State Reports 353 U.S. pages 238, 239.)

9 “The practice of law is an occupation of common right.” (Sims v. Aherns,
10 271 SW 720; 1925)

11 “The State cannot diminish rights of the people.” (Hurtado v. California,
12 110 U.S. 516)
13

14 The perpetrators and conspirators had no reason to arrest and prosecute
15 Heather-Ann:Tucci:Jarraf. It was a revenge arrest likely ordered by the New York
16 Federal Reserve to those at the FBI and US Attorney’s office moonlighting while
17 in their position of emolument. It was vindictive payback for her UCC work and
18 to keep her silent about the \$31,000,494.97 stolen from Randall-Keith:Beane’s
19 USAA account.
20

1 Randall-Keith:Beane had already completed his RV purchase before
2 Heather-Ann:Tucci:Jarraf decided to lend her help with creation of a trust
3 document for the motorhome.

4 The perpetrators and conspirators had no lawful reason to arrest Mrs.
5 Tucci:Jarraf so they redefined money laundering to the act of making a purchase.
6 Normal people call it shopping. These perpetrators and conspirators call shopping
7 money laundering. Mrs. Tucci:Jarraf was not the one doing the shopping. The
8 shopping was completed before she became involved with Mr. Beane's purchase
9 transaction and trust.

10 At points during the grand jury hearing and the trial perpetrators and
11 conspirators deceitfully referred to Mr. Beane's private transaction as being a
12 robbery. In a robbery the robbers typically share the spoils. They offered no
13 evidence that Heather-Ann:Tucci:Jarraf got anything out of helping Randall-
14 Keith:Beane – NOTHING – not one debt note, material object, piece of silver, or
15 piece of gold.

16 The bottom line is they wanted to get Mrs. Tucci:Jarraf. They were angry
17 about her UCC filings. They wanted to shut her up. They simply decided they
18 wanted to send her to prison so they set about figuring out how to frame her for a
19 crime they had to invent.

When you go to the Tennessee Department of Commerce & Insurance for a license search and verification you'll see a drop down list of the professions that are licensed: accountants, architects, court reporters, etc. Guess who's missing from the list? Attorney-at-law! Lawyers! Attorneys! Counsellors! Attorneys-at-law are not licensed. They're members of an association – a foreign association. Here are a few screenshots taken from <https://verify.tn.gov/>:

The drop-down list is in alphabetical order. You don't see "attorney," "attorney-at-law," "lawyer," or "counsellor" in any of the drop down lists:

Verify Home

License Search and Verification

For best results, please limit the number of search fields. Only exact matches will be displayed. Construction' and "Smith & Smith Construction."

After you submit the search form, your results will appear below the form in this window (the further down the search form.

Firm or Last Name:

First Name:

Middle Name:

License #:

Profession:

A&E - Architects

A&E - Archt. Firm

A&E - Eng. Firm

A&E - Engineer Interns

A&E - Engineers

A&E - Interior Designers

A&E - LA Firm

A&E - Landscape Architects

Accountancy - CPA

Accountancy - Firms

Accountancy - PA

Accountancy - Temporary

Alarm Contractor

Alarm Qua. Agent

Alarm Reg Employee

Appraisal Management Company

Appraiser Temporary Practice

Approved CPE Sponsor

Auctioneer

Auctioneer (Public Automobile)

[Verify Home](#)

License Search and Verification

For best results, please limit the number of search fields. Only exact matches will be displayed "Smith and Smith Construction" and "Smith & Smith Construction."

After you submit the search form, your results will appear below the form in this window (the further down the search form.

Firm or Last Name

License #

First Name

Profession

- Home Improvements
- Home Inspectors
- Investigative Training Company
- L.P. Gas Dealer
- L.P. Gas Manager / Responsible Emp.
- Limited Licensed Electricians**
- Limited Licensed Plumbers
- Locksmith Firm
- Locksmiths
- MFGR Housing Installer
- MFGR Housing Manufacturer
- MFGR Housing Retailer
- MFGR Retailer/Installer Supporting License
- Modular BLDG Construction Inspection Agency
- Modular BLDG Design Review Agency
- Modular BLDG Unit Dealer
- Modular BLDG Unit Installer
- Modular BLDG Unit Manufacturer
- Motor Vehicle Auctions
- Motor Vehicle Dealers

Middle Name

[Verify Home](#)

License Search and Verification

For best results, please limit the number of search fields. Only exact matches will be displayed "Smith and Smith Construction" and "Smith & Smith Construction."

After you submit the search form, your results will appear below the form in this window (the please scroll further down the search form.

Firm or Last Name

License #

First Name

Profession

- Barber Technician
- Barbers
- Boxing Program
- Collections Agency
- Collections Branch Office
- Collections Manager
- Contractors
- Cosmetology Licensees
- Cosmetology Schools
- Cosmetology Shops
- Court Reporters**
- Display Exhibitors/Sponsors
- Explosive User Permits-Blasters
- Explosive User Permits-Handlers
- Explosive User's Permits-Firms
- Fire Compliant Cigarette
- Fire Extinguisher Agents
- Fire Extinguisher Systems
- Fire Protection Sprinklers Systems
- Funeral - Cemetery
- Funeral - Embalmer

1 Perpetrators and coconspirators Parker Still and Cynthia F. Davidson went
2 on and on about Heather-Ann:Tucci:Jarraf not having a law license when they
3 don't have one either. They intentionally lied to and misled the grand jury and trial
4 jury into thinking Heather-Ann:Tucci:Jarraf had violated some law by the
5 assistance she gave Randall-Keith:Beane and his trust. She was a lawyer for Mr.
6 Beane's trust and there was no law violation in that.

7 The perpetrators and coconspirators implied Heather-Ann:Tucci:Jarraf
8 illegally practiced law without a license to negate any argument that she was a
9 lawyer helping a client so that they could charge her with their fake version of
10 money laundering. They had to make Heather-Ann:Tucci:Jarraf's assistance to
11 Randall-Keith:Beane's trust a "crime" before they could charge her with their new
12 definition of money laundering.

13 The goal of these perpetrators was to dirty up Mrs. Tucci:Jarraf by: 1)
14 Accuse her of trying to break Randall-Keith:Beane out of jail (Grand Jury
15 Transcript, P. 56-57, Line 25, 1-3); 2) Accuse her of illegally practicing law
16 without a license (Grand Jury Transcript, P. 20, Line 2-9; P. 52, Line 6-8; Trial
17 Transcript, Volume I, P. 37, Line 13-18) ; 3) Disparage her UCC filings by calling
18 them gobbledygook (Trial transcript, Volume 6, P. 86, Line 22-23); and 4) Accuse
19 her of money laundering based on their fake definition of money laundering.

1 **XX) Jurisdiction Report (C. Clifford Shirley) Report and**
2 **Recommendation -- Court Document 62 - Filed 11/16/17 - 16**
3 **pages P. 8, last ¶**

4
5 Perpetrator and Coconspirator C. Clifford Shirley said:

6
7 ■ **“A. This Court has Jurisdiction Over the Charges and the Defendants”**

8
9 ■ **“Article III, section 1, of the United States Constitution provides in pertinent**
10 **part that the “judicial power of the United States shall be vested in one**
11 **Supreme Court, and in such inferior courts as the congress may from time to**
12 **time ordain and establish,” U.S. Const. Art. III, §1.”**

13
14 ■ **“Section 2 explains that the “judicial power shall extend to all cases, in**
15 **law and equity, arising under this constitution, [and] the laws of the**
16 **United States[.] “U.S. Const. Art. III, §2, cl.1.”**

17
18 ■ **“By statute, Congress has declared that the “district courts of the United**
19 **States shall have original jurisdiction, exclusive of the courts of the States,**
20 **of all offenses against the laws of the United States.” 18 U.S.C. §3231.”**

21
22 Perpetrator and coconspirator C. Clifford Shirley said the Court had

23 Jurisdiction based on the Constitution, Article III, Section 1. Courts which
24 proceed according to statutory jurisdiction are inferior courts. Courts designated as
25 courts of record, as every district court is (28 U.S. Code § 132 – Creation and
26 composition of district courts – Att. #8), may act as statutory courts **unless the**
27 **parties to a case object**. The "judge" has no discretion in a court of record, and
28 can only do ministerial functions, such as signing your orders. Courts of Record
29 must proceed according to the course of the common law, without the aid of a
30 statute. **“There is a general rule that a ministerial officer who acts wrongfully,**

1 although in good faith, is nevertheless liable in a civil action and cannot claim the
2 immunity of the sovereign.” (Cooper v. O’Conner, 99 F.2d 133)

3 Perpetrator and conspirator C. Clifford Shirley further asserts
4 authority given in Constitution Article III, Section 2, Clause 1. However, that
5 judicial power extends to controversies to which the United States is a Party. The
6 United States of America’s “Party” status was never examined to determine if it
7 had standing and if there was subject matter jurisdiction. The United States was
8 not a Party. The plaintiff was the United States of America. That’s a different
9 corporate entity. Neither is a government. The United States and the United States
10 of America are both corporations and neither showed standing. Neither was
11 represented by a living soul to move the court. The representing prosecuting
12 attorney cannot lawfully do that.

13 Perpetrator and conspirator Shirley goes on to assert authority given in 18
14 U.S.C. §3231 (Att. #24) First, all district courts are courts of record. (28 U.S.
15 Code § 132 - Att. #8) Second, one cannot commit an offense against the laws.
16 (See Att. #9.3 for definition of “offense”) You can violate the law. You can
17 breach the law. But you cannot commit an offense against the law. Section 3231
18 “offenses against the laws” is likely the crafty creation/editing of the Office of the
19 Law Revision Counsel (OLRC).

1 Perpetrator and conspirator C. Clifford Shirley and his coconspirators Anne-
2 Marie Svolto and Cynthia F. Davidson did not cite one law that was violated by
3 Randall-Keith:Beane or Heather-Ann:Tucci:Jarraf. They cited alleged evidence of
4 the law – not an actual law. (Att. #19 and #20)

5 **From the 16th American Jurisprudence, Second Edition, Section 177:**

6 "The general misconception is that any statute passed by legislators bearing the
7 appearance of law constitutes the law of the land. The U.S. Constitution is the
8 supreme law of the land, and any statute, to be valid, must be
9 in agreement. It is impossible for both the Constitution and a law violating it
10 to be valid; one must prevail. This is succinctly stated as follows:

11 "The general rule is that an unconstitutional statute, though having the form and
12 name of law, is in reality no law, but is wholly void, and ineffective for
13 any purpose; since unconstitutionality dates from the time of its enactment,
14 and not merely from the date of the decision so branding it. As
15 unconstitutional law, in legal contemplation, is as inoperative as if it had never
16 been passed. Such a statute leaves the question that it purports to settle just as it
17 would be had the statute not been enacted."

18 "Since an unconstitutional law is void, the general principles follow
19 that it imposes no duties, confers no right, creates no office, **bestows no**

1 **power or authority on anyone**, affords no protection, and **justifies no acts**
2 **performed under it...**"

3 "A void act cannot be legally consistent with a valid one. An
4 unconstitutional law cannot operate to supersede any existing valid law. Indeed, in
5 so far as a statute runs counter to the fundamental law of the land, it is
6 superseded thereby. No one is bound to obey an unconstitutional law and no
7 courts are bound to enforce it."

8 Furthermore, section 3231 is not one of the two ways a federal court gains
9 subject matter jurisdiction. Federal question jurisdiction is one of the **two ways**
10 **for a federal court to gain subject matter jurisdiction over a case.** (28 U.S.
11 Code § 1331) The other way is through diversity jurisdiction. (28 U.S. Code §
12 1332) (Att. #5, #6, and #7) They both pertain to civil actions.

13 Article III specifies Judicial Powers. Congress does not have the power to
14 grant judicial power. Congress is restricted to 18 tasks. Congress was granted the
15 power under task number 9 – “To make rules for the government...” to include the
16 US codes, statutes, rules, regulations and policies written by congress for those
17 working in the government. Congress was given this authority by the people to
18 control the behavior of those in positions of emolument. Congress was given the
19 authority to make all Laws which shall be necessary and proper for carrying into
20 execution the eighteen (18) tasks enumerated.

1 “All laws, rules and practices which are repugnant to the Constitution are
2 null and void.” (Marbury v. Madison) “Where rights secured by the Constitution
3 are involved, there can be no rule making or legislation which would abrogate
4 them.” (Miranda v. Arizona)

5 Congress does not have the power to declare anything beyond those 18
6 constitutional tasks and Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf’s case
7 does not and did not fit within congress’ 18 task jurisdiction.

8 **“...it is from the constitution that those legislators derive their power:
9 how then can they change it, without destroying the foundation of their own
10 authority?”** (Law of Nations, P. 95 – Att. #59.1, #59.2)

11
12 The perpetrators and coconspirators, on numerous occasions, said their
13 victim was USAA Bank thereby admitting they knew United States of America did
14 not have standing, but they brought the prosecution anyway. Why? It was not a
15 court of law or justice. It was not a lawful prosecution. It was a conspiracy to
16 falsely imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

17 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 9, 1st ¶**

18 ■ **“Moreover, any offense against the United States begun in one district
19 and completed in another, or committed in more than one district, may be inquired
20 of and prosecuted in any district in which such offense was begun, continued, or
21 completed. 18 U.S.C. § 3237(a). The Defendants are charged with wire fraud,
22 bank fraud, and money laundering, allegedly occurring in the Eastern District of
23 Tennessee. Because the Defendants are charged with violations of federal law,
24 i.e., 18 U.S.C. §§ 1343, 1344, and 1956, in this district, the United States District
25 Court for the Eastern District of Tennessee unquestionably has jurisdiction over
26 this case.”**
27

1 The trial transcript says USAA Bank was the victim so there was no offense
2 against the United States or United States of America. The plaintiff was United
3 States of America – not United States – two different corporations. Trial
4 transcript:

5 • A “In this case, **USAA is our victim.**” (Prosecutor Cynthia Davidson
6 Questioning FBI Special Agent Parker Still, Trial Transcript Volume I, Pg.
7 24, line 19-20)
8

9 • Q So at that point, you had determined that USAA Bank was the
10 victim before looking at any other information?
11

12 A I – at that time, yes. (Heather-Ann:Tucci:Jarraf Cross-Examination
13 of FBI Special Agent Parker Still, Trial Transcript Volume I, Pg. 50-51, line
14 25; 1-2)
15

16 • A The victim bank, you know – or USAA” (Heather-Ann:Tucci:Jarraf
17 Cross-Examination of FBI Special Agent Parker Still, Trial Transcript
18 Volume I, Pg. 64, line 13)
19

20 According to the U.S. Code 18 U.S.C. §§ 1343, 1344, 1956 and 1957 is not law.
21 It is evidence of the law:
22

23 • 1 USC § 204 tells us -- Codes and Supplements as evidence of the laws of
24 United States; (Att. #19)
25

26 • 1 U.S. Code § 112. Statutes at Large; contents; admissibility in evidence
27 -- “The United States Statutes at Large shall be legal evidence of
28 laws...” (Att. #20)
29

30 Evidence of the law is not the law. Perpetrator and conspirator C. Clifford
31 Shirley did not cite the law.
32

33 C. Clifford Shirley Report and Recommendation, Doc. 62, P. 9, 2nd ¶
34

35 ■ “Defendant Beane was taken into custody on an **arrest warrant...**”

1 You notice perpetrator and coconspirator C. Clifford Shirley doesn't want to
2 say it was a SOUTH CAROLINA arrest warrant. He describes the arrest warrant
3 for Mrs. Tucci:Jarraf as a "federal arrest warrant," but for Mr. Beane he just says
4 "arrest warrant." He knows the South Carolina warrant wasn't valid or applicable
5 to Tennessee.

6 The first time the perpetrators and coconspirators arrested Randall-
7 Keith:Beane was July 11, 2017. The FBI used a South Carolina statewide
8 misdemeanor traffic related bench warrant that was disposed of two years earlier.
9 It was NOT an outstanding warrant or a national/international warrant. The
10 disposition date is July 17, 2015. (Att. #2.1) The warrant reads:

11 "To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace
12 Officers of the said State Greetings." (Att. #1.2)

13
14 There's nothing in the disposed of South Carolina warrant giving the FBI
15 jurisdiction. The FBI's jurisdiction per 18 U.S. Code § 3052 (Att. #15) is for
16 warrants issued under the authority of the United States. Mr. Beane was not "...
17 taken into custody on an arrest warrant," he was kidnapped and Shirley knew it!

18 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 9, 2nd ¶**

19
20 ■ "Defendant Tucci:Jarraf was brought before the Court on a **federal arrest**
21 **warrant.**"

22
23 On or about July 19, 2017 the United States District Court for the Eastern
24 District of Tennessee issued fraudulent fictitious signed arrest warrants for

1 Heather-Ann:Tucci:Jarraf and Randall-Keith:Beane. The arrest warrants were
2 supposed to be signed by then clerk, Debra C. Poplin. The warrants appear to have
3 been signed with a fictitious name – “A. Brush.” Both federal arrest warrants are
4 invalid because they were not signed according to U.S. Code Rule 9 (Arrest
5 Warrant or Summons on an Indictment) – “(b) **Form.** (1) Warrant. The warrant
6 must conform to Rule 4(b)(1) except that it must be signed by the clerk...” (Att.
7 #10) Mrs. Tucci:Jarraf was not “...taken into custody on an arrest warrant.” She
8 was kidnapped and perpetrator and coconspirator C. Clifford Shirley knew it!

9 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 10, 2nd ¶, P. 11.**
10 **2nd ¶**

11
12 ■ “The Defendants claim that the United States is a corporation based upon 28
13 U.S.C. § 3002(15). This statute only defines certain terms as used in the
14 Federal Debt Collection Procedures Act.”

15
16 ■ “Defendant Tucci:Jarraf’s and Defendant Beane’s assertion or “declaration”
17 that the United States is a corporation is also frivolous.”

18
19 ■ “Subsection (15) defines the “United States,” *when used in the Federal*
20 *Debt Collection Procedures Act*, as including (A) “a Federal corporation”

21
22 28 U.S.C. § 3002(15) says: “United States” means – (A) a Federal

23 corporation. It DOES NOT say “when used in the Federal Debt Collection

24 *Procedures Act*.” Perpetrator Shirley changed “as used” to “when used.”

28 U.S. Code § 3002 - Definitions

(15) "United States" means—

U.S. Code	Notes
As used in this chapter:	
(1) " <u>Counsel for the United States</u> " means—	(A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the <u>United States</u> ; or (C) an instrumentality of the <u>United States</u> .

Perpetrator and coconspirator C. Clifford Shirley clearly learned the word

“frivolous” from the IRS corporation. That’s one of their favorite words to use

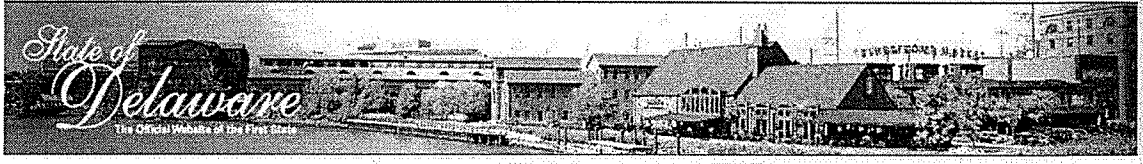
when the law is not on their side and they know it.

United States of America and “the” United States of America are both

Delaware registered corporations used to usurp the People’s Republic government.

<https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> (Att. #67 and #68)

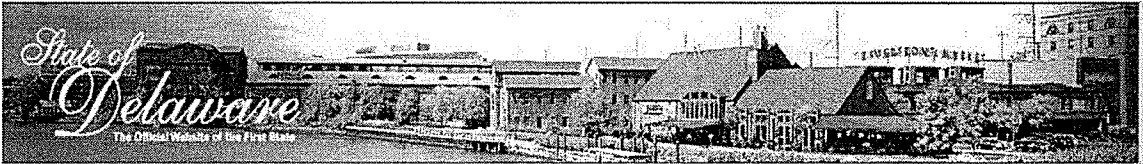
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THE UNITED STATES and UNITED STATES OF AMERICA are not the

nation. They are corporations. They are called "federal government" but they are

not. They operate under private international law with their own corporate

1 constitution – not the people’s organic constitution. “Federal” agencies and
2 departments are also corporations and subsidiaries of THE UNITED STATES -
3 UNITED STATES OF AMERICA INC., CENTRAL INTELLIGENCE
4 AGENCY, FEDERAL LAND ACQUISITION CORP., INTERNAL REVENUE
5 TAX & AUDIT (IRS), THE SOCIAL SECURITY CORP., UNITED STATES
6 TREASURY, etc. Per contract law, each corporation name is designated in all
7 capitals. Given each American’s name was turned into an all capitals corporation
8 this helps to distinguish from a living soul. All court documents have Mr. Beane
9 and Mrs. Tucci:Jarraf’s appellation written in ALL CAPITAL LETTERS to make
10 clear they are dealing with the corporation and contract law – not the living soul –
11 but they kidnapped and falsely imprisoned the living soul.

12 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 12, First ¶**
13

14 ■ **...the Uniform Commercial Code is not a law and has no legal force or**
15 **effect in and of itself**, but instead is a proposed model code developed to
16 promote uniformity in commercial transactions in the various states. Each
17 state adopts its own commercial code.
18

19 **DEFINITION - UNIFORM LAWS.** A considerable number of laws
20 have been approved by the National Conference of Commissioners on Uniform
21 State Laws... Among the more important of these laws are the Uniform Negotiable
22 Instruments Act which has been adopted in all the states as well as in the District
23 of Columbia, Alaska, Hawaii, the Philippine Islands, and Porto Rico. (Black’s

1 Law Dictionary, 4th Edition, P. 1701) The **Uniform Commercial Code** (U.C.C.)
2 is the code that **regulates all negotiable instruments**.

3 Perpetrator and conspirator C. Clifford Shirley's goal was to discredit
4 Heather-Ann:Tucci:Jarraf's UCC filings. He knows the Uniform Commercial
5 Code is treated as law. Tennessee legislature says the UCC is law. Tennessee
6 codified the Uniform Commercial Code at **47-1-101: (a)** Chapters 1-9 of this title
7 shall be known and may be cited as the Uniform Commercial Code. (Att. #56)

8 **Tennessee Code 47-1-103.** Construction of chapters 1-9 to promote their
9 purposes and policies — Applicability of supplemental **principles of law** - (3) **To**
10 **make uniform the law among the various jurisdictions**. (Att. #57)

11 Perpetrator and conspirator C. Clifford Shirley's assertion that each state
12 adopts its own commercial code is hogwash and deceitful. If each state/territory
13 came up with its own commercial code it wouldn't be **uniform** laws, would it?
14 Their numbering system may vary but the code is the same.

15 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 12, 1st ¶, 2nd ¶**

16 ■ "The Defendants have provided no authority for their contention that they
17 can file a UCC Financing Statement Amendment in Washington D.C. and
18 somehow divest every federal court nationwide of the ability to prosecute
19 them for federal crimes."
20

21 ■ "Second, the Defendants' filings are sham UCC Financing Statement
22 Amendments, wherein Defendant Tucci:Jarraf purports to amend a UCC
23 Financing Statement but references no current record to be amended or
24 supplemented."
25

1 The authority is in the UCC filings. If perpetrator and conspirator C.
2 Clifford Shirley did not understand the UCC filings he had an obligation under the
3 code of conduct for United States judges to “(3) obtain the written advice of a
4 disinterested expert on the law...”

5 Heather-Ann:Tucci:Jarraf’s UCC filings is one of the many reasons the
6 federal court did not have jurisdiction. There is little doubt that perpetrator and
7 conspirator C. Clifford Shirley understands that commercial processes under the
8 UCC are non-judicial. He understands they are summary processes more powerful
9 than judicial processes. If he didn’t understand the UCC he certainly could have
10 contacted the IRS for a crash course. The IRS creates the most activity of
11 commercial collection. The SBA (U.S. Small Business Administration) uses a
12 general security agreement (UCC) designating business assets as collateral, e.g.
13 machinery and equipment, furniture and fixtures, etc.

14 There’s also little doubt perpetrator and conspirator C. Clifford Shirley
15 understands EVERYTHING is commercial and the UCC governs all commercial
16 transactions. UCC controls how most business is done in the US and much of the
17 world.

18 Perpetrator and conspirator C. Clifford Shirley could have easily referred to
19 Article 9 of the Uniform Commercial Code for an understanding of perfected
20 judgments. Perpetrator and conspirator C. Clifford Shirley knows that silence is

1 consent. Heather-Ann:Tucci:Jarraf explained during the trial an un rebutted
2 affidavit stands as truth in commerce. An un rebutted affidavit is acted upon as the
3 judgment in commerce. The secured creditor can take possession of collateral
4 without judicial process after default “without breach of the peace” under UCC 9-
5 609. Failure to submit a categorical point-for-point rebuttal of the UCC filings in
6 the form of a commercial affidavit leads to a perfected judgment. An uncontested
7 affidavit is taken as true in support of a summary judgment. Perpetrator and
8 conspirator C. Clifford Shirley understands even in court the allegations are
9 considered true if the affidavit is un rebutted:

10 **Group v. Finletter**, 108 F.Supp. 327 (1952)

- 11
- 12 • **“Defendant has filed no counter-affidavit, and therefore for the purposes**
13 **of the motion before the Court, the allegations in the affidavit of plaintiff**
14 **must be considered as true”**

15

16 **United States v. W Kis**, 658 F2d 526

- 17
- 18 • **“It requires that the taxpayer answer the Government's case through**
19 **responsive pleadings, supported by affidavits that allege specific facts in**
20 **rebuttal. Any uncontested allegations of the Government's must be**
21 **accepted as admitted.”**

22

23 In the uniform commercial code there is a rebuttable presumption. Facts are
24 assumed to be true until they are rebutted. UCC § 1-206. Presumptions (Att. #23)
25 It provides that **“the trier of fact must find the existence of the fact unless and**
26 **until evidence is introduced that supports a finding of its nonexistence.”**

27 Perpetrator and coconspirator C. Clifford Shirley was the “trier in fact.” He knew

1 Mrs. Tucci:Jarraf's UCC filings have not been rebutted so they stand as truth and
2 fact. He knew the court did not have subject matter or personal jurisdiction. He
3 knew it!

4 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 13, Last ¶**

5 ■ "Finally, the Defendants' UCC filings do not constitute a lawful
6 judgment. At the October 18 motion hearing, Defendant Tucci:Jarraf argued
7 that her "Declaration of Facts," which was stated on the UCC Financing
8 Statement Amendment forms, constituted a "perfected judgment." [Doc. 61,
9 Trans., pp. 4, 7-11, 15, 22] She contends that this "judgment" is binding on
10 the Court because she alleged these facts and no one has rebutted them. She
11 claims, as one of her ten "maxims of law," that a "duly sworn, verified, and
12 validated declaration, made with due signature and seal, duly unrebutted
13 specifically and particularly, stands as law." [Doc. 43, p.3] At the motion
14 hearing, Defendant Tucci:Jarraf could provide no legal authority for this
15 maxim and could only assert that it is universally known. [Doc. 61, Trans.,
16 pp.14-16] As Defendant Tucci:Jarraf, who was formerly a licensed attorney,
17 well knows, a "judgment" is "[t]he official and authentic decision of a court
18 of justice upon the respective rights and claims of the parties to an action or
19 suit therein litigated and submitted to its determination."
20

21 With this statement, **"a "judgment" is "[t]he official and authentic**
22 **decision of a court of justice upon the respective rights and claims of the**
23 **parties to an action or suit therein litigated and submitted to its**

24 **determination,"** perpetrator and conspirator C. Clifford Shirley nullified every
25 UCC judgment in which vehicles, homes, businesses, bank accounts or other
26 property was seized through the UCC process. He just said that process is illegal
27 because a "judgment" is the exclusive domain of a court. Everyone should ask for

1 their property to be returned based on C. Clifford Shirley's "UCC judgment"
2 definition.

3 Through the Uniform Commercial Code, around 2012, Heather-
4 Ann:Tucci:Jarraf foreclosed on the US corporate government and all other private
5 corporations operating under the guise of government. According to Heather-
6 Ann:Tucci:Jarraf, "So when it went unrebutted, it's a matter of law at that point. A
7 declaration unrebutted stands as law. And it was entered into the Uniform
8 Commercial Code, which is a notification system, and that is actual due notice.
9 However, there were courtesy copies and courtesy notices, personal service done
10 around the world on top of that." (Proceedings Before C. Clifford Shirley, Jr.,

11 October 18, 2017, P. 8-9, Line 24-25; 1-5 – no court document number)

12 Acquiescence is acceptance by keeping quiet or by not making objections.
13 Default comprises your agreement that all issues pertaining to the UCC filing are
14 deemed settled and closed. The process of putting the world on notice through the
15 UCC notification system is known as perfection. Creation and perfection are
16 discussed under UCC Article 9. A perfected lien is treated as a judgment.
17 Perpetrator and conspirator C. Clifford Shirley had an obligation to make sure he
18 and his coconspirator prosecutors understood the Uniform Commercial Code
19 including hiring a UCC expert to remove all doubt. .

1 Heather-Ann:Tucci:Jarraf offered to provide perpetrator and conspirator C.
2 Clifford Shirley with authority for the summary judgment. However, he did not
3 give her the research time to gather that information for him. He didn't really want
4 it. He knew what she said was correct.

5 It is a fundamental maxim of law that ignorance of the law is no excuse to
6 violating it. One such maxim is as follows: "Ignorance of the fact excuses;
7 ignorance of the law excuses not. Every man must be taken to be cognizant of the
8 law; otherwise there is no saying to what extent the excuse of ignorance may not
9 be carried." What exactly did perpetrator and conspirator C Clifford Shirley
10 believe to be his responsibility? He wasn't doing his job and operating a court of
11 record so it's hard to know. He had law clerks. It was his job to research the
12 UCC. Ignorance is not an excuse for violating the rights of Americans, including
13 due process, especially by those who have taken an oath to uphold the law. It's
14 safe to conclude ignorance had nothing to do with it. It was all about the
15 conspiracy plot.

16 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 14, 2nd ¶**
17

18 ■ "The Defendants argue that, as a result of their alleged "foreclosure" and
19 "judgment" (both of which have been discounted above), the only authority
20 over them is that to which they consent. **The Defendants contend that they**
21 **do not give this Court jurisdiction over them and demand that the**
22 **Court file their proposed order, dismissing the case.** While the
23 Defendants deny that they are "sovereign citizens," they assert the typical
24 argument of those espousing sovereign citizen views, which is that the
25 defendant is sovereign and above the law. Here, the Defendants argue that

1 they are not subject to the jurisdiction of the United States Courts because
2 they have not consented to the Court's authority over them and that
3 indictments may only be issued by the individual who is charged therein."
4

5 Perpetrator and conspirator C. Clifford Shirley was in a district court which
6 is **a court of record**. (Att. #8) Randall-Keith:Beane and Heather-

7 Ann:Tucci:Jarraf instructed him as is the process in a court of record common law
8 court. He acknowledges he ignored that instruction and trespassed the law
9 committing an injury to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

10 How did perpetrators and coconspirators Thomas A. Varlan and C. Clifford
11 Shirley get subject matter and personal jurisdiction?

- 12 • They unlawfully took it by using the intentionally vague and deceitful 18
13 U.S.C. § 3231 meant to be a catch-all to claim jurisdiction where there is
14 none.
15
- 16 • They didn't get jurisdiction from a sworn complaint and affidavit from the
17 plaintiff because there wasn't one.
18
- 19 • They didn't get jurisdiction from the plaintiff having a cause of action or
20 standing because it didn't. The United States of America and the United
21 States are corporations and did not suffer a loss. (Att. #33.2)
22
- 23 • They didn't get jurisdiction by charging Randall-Keith:Beane and Heather-
24 Ann:Tucci:Jarraf for crimes against the United States because they admit
25 there was no crime against the United States. They admit at several points
26 their "victim" was USAA Bank.
27
- 28 • They didn't get jurisdiction from the FBI because the FBI did not have
29 jurisdiction,
30
- 31 • They didn't get jurisdiction as the result of a probable cause hearing because
32 there was no probable cause hearing.

- They didn't get jurisdiction from a South Carolina statewide misdemeanor traffic related bench warrant disposed of two years earlier,
- They didn't get jurisdiction from the fraudulent Tennessee district court arrest warrants for Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf in which both arrest warrants are invalid because they were not signed by the clerk per US Code Rule 9. (Att. #10)
- They didn't get jurisdiction by consent though subject matter jurisdiction cannot be granted by consent.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

Perpetrator and conspirator C. Clifford Shirley knew the court did not have jurisdiction. He knew he trespassed the law and that is the likely reason for him bringing up the old and tired "sovereign citizen" oxymoron as if it had anything to do with the price of tea in China.

C. Clifford Shirley Report and Recommendation, Doc. 62, P. 15, Last ¶

- "The jurisdiction of this Court is provided by statute, 18 U.S.C. § 3231, and the Defendants were brought before the Court through valid legal process."

If two innocent Americans weren't falsely imprisoned we would burst into laughter instead of roll our eyes at this clear display of dishonesty. Perpetrator and conspirator C. Clifford Shirley knows the legal process was not valid – it was UNLAWFUL! The process due Mr. Beane and Mrs. Tucci:Jarraf was DENIED!

1 US Code § 3231 is evidence of the law. It is not law. US Supreme Court
2 held that state officials acting by "color of law" may be held personally liable for
3 the injuries or torts they cause and that official or sovereign immunity may not be
4 asserted.

5 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were brought to court by
6 means of felony kidnapping. One could hardly call it "valid legal process" when a
7 South Carolina statewide misdemeanor traffic related bench warrant disposed of
8 two years earlier and Tennessee district court fraudulent and fictitious signed arrest
9 warrants were used to arrest Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.
10 They used fraudulent warrants to kidnap, detain, and unlawfully imprison Randall-
11 Keith:Beane and Heather-Ann:Tucci:Jarraf. The perpetrators and conspirators
12 gave no thought to "valid legal process" because they were focused on achieving
13 the goal of the conspiracy – imprison Mr. Beane and Mrs. Tucci:Jarraf by whatever
14 means necessary.

15 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 16, 1st ¶**

16 ■ "After carefully considering the parties' filings and arguments and the
17 relevant legal authorities, the Court finds no basis to dismiss the Indictment.
18 For the reasons set forth herein, the undersigned **RECOMMENDS** that
19 Defendants' filing requesting the dismissal of the case [**Doc. 43**] be
20 **DENIED.**"

21
22 The case was a nefarious plot and conspiracy involving a crime ring – the
23 FBI, US Attorney Office, Knoxville County Sheriff, USAA Bank, NY Federal

1 Reserve Bank, Eastern District of Tennessee District Court, et al. – to falsely
2 imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. It's a
3 recommendation a coconspirator would make.

4 **XXI) Freudian Slips**

5
6 **Freudian Slip #1** - Perpetrator and conspirator Cynthia F. Davidson
7 admitted to the grand jury that it was a “bonafide” purchaser. Here are her words:

8 **Grand Jury Transcript, Page 40, Line 11-15**

9 “MS. DAVIDSON: Because all of the money that went to Whitney Bank
10 for the motor home is gone?

11
12 THE JUROR: Right, right.

13
14 MS. DAVIDSON: **Because that was a, you know, a bona fide**
15 **purchaser.**”

16
17 Randall-Keith:Beane was the only purchaser.

18
19 **DEFINITION:**

20
21 **Bona Fide Purchaser** - A purchaser in good faith for valuable
22 consideration and without notice. Neal v. Holt, Tex.Civ.App., 69 S.W.2d 603, 609.
23 A purchaser for a valuable consideration paid or parted with in the belief that **the**
24 **vendor had a right to sell**, and without any suspicious circumstances to put him
25 on inquiry. Merritt v. Railroad Co., 12 Barb., N. Y., 605. **One who acts without**
26 **covin, fraud, or collusion**; one who, in the commission of or connivance at **no**
27 **fraud**, pays fullprice for the property, and in good faith, honestly, and in fair
28 dealing buys and goes into possession. (Black’s Law Dictionary, 4th Edition, P.
29 224)

30 **Bona Fide Purchaser. N. Someone who buys property in good faith for**
31 **valuable consideration** and has no reason to believe anyone else has rights to the
32 property. (The Essential Law Dictionary, 2008, P. 57)

1 Perpetrator and coconspirator Cynthia F. Davidson's slip of the tongue to the
2 grand jury revealed her knowledge and understanding that Mr. Beane's motorhome
3 purchase was an honest business transaction without fraud or collusion.

4 **Freudian Slip #2** - Perpetrator and conspirator Cynthia F. Davidson had
5 another slip of the tongue during the trial when she said "During the theft **from** the
6 defendant, Randall Keith Beane..." (Trial Transcript, Volume II, P. 38, Line 4-5 -
7 Att. #31.3) Perpetrator and conspirator Cynthia F. Davidson was right. Mr. Beane
8 is the victim of theft. Perpetrator and conspirator Cynthia F. Davidson knew Mr.
9 Beane did nothing wrong and that he was, in fact, the victim but she prosecuted
10 him anyway.

11 **Freudian Slip #3** - Perpetrator and coconspirator Parker Still had his own
12 slip when explaining to the grand jury that Mrs. Tucci:Jarraf has knowledge of the
13 funds he and his coconspirators told the jury don't exist. Perpetrator Still stated,
14 "And her knowledge of -- how do I say this, **she has knowledge of these funds...**"
15 (Grand Jury Transcript, P. 52, Line 3-4) What funds? The funds he told the grand
16 jurors don't exist because the account number is "fictitious" and "invalid?" (GJT,
17 P. 27, Line 9-13; GJT, P. 32, Line 3-4; GJT, P. 39, Line 7-8)

18 **XXII) Privacy Violations**

19 Mr. Beane has the right to privacy and confidentiality free from unwarranted
20 invasion. Buddy Gregg RV's & Motor Homes violated Mr. Beane's privacy by

1 revealing information about Randall-Keith:Beane without receiving a subpoena.
2 Buddy Gregg's sales manager, Jerald Byrne, said they were under threat of being
3 charged with "obstruction of justice," but they still had an obligation to protect Mr.
4 Beane's privacy given they did not receive a court order to divulge personal
5 information. They chose to join in the conspiracy.

6 Perpetrators and coconspirators Parker Still and Cynthia F. Davidson made a
7 point of saying: "the banking part of USAA is federally **backed by** the Federal
8 Deposit Insurance Corporation commonly referred to as **the FDIC**." (Cynthia
9 Davidson Questioning Parker Still -- Grand Jury Transcript, P. 3, Line 18-20)

10 USAA Bank was obligated to adhere to the FDIC's regulations regarding
11 privacy of consumer financial information -- 12 CFR § 332.10.

12 **12 CFR § 332.10 Limits on disclosure of non-public personal information to**
13 **nonaffiliated third parties.**

14
15 (a)(1) **Conditions for disclosure.** Except as otherwise authorized in this part, you
16 may not, directly or through any affiliate, disclose any nonpublic personal
17 information about a consumer to a nonaffiliated third party unless:
18 (i) You have provided to the consumer an initial notice as required under § 332.4;
19 (ii) You have provided to the consumer an opt out notice as required in § 332.7;
20 (iii) You have given the consumer a reasonable opportunity, before you disclose
21 the information to the nonaffiliated third party, to opt out of the disclosure; and
22 (iv) The consumer does not opt out.

23
24 USAA Bank did not file an official sworn complaint against Randall-
25 Keith:Beane. USAA Bank did not receive a subpoena for Mr. Beane's personal
26 information. USAA Bank cannot hide behind 12 U.S. Code § 3403

1 (Confidentiality of financial records) – “...notifying a Government authority that
2 such institution, or officer, employee, or agent has information which may be
3 relevant to a possible violation of any statute or regulation. Such information may
4 include only the name or other identifying information concerning any individual,
5 corporation, or account involved in and the nature of any suspected illegal
6 activity.”

7 USAA bank did not have a signed agreement from Mr. Beane nor did they
8 have a subpoena to release Mr. Beane’s private information when Mr. Beane was
9 arrested July 11, 2017. It was an illegal search and seizure in violation of the
10 fourth amendment as well as a violation of 12 U.S. Code § 3403 (a), (b), and (c).
11 Remember, USAA Bank lied about Mr. Beane altering his social security account
12 number by one digit so there was no “possible violation” as stated in 12 U.S. Code
13 § 3403. USAA Bank fabricated the violation. USAA Bank also knew the FBI did
14 not have jurisdiction to investigate their made up violation.

15 USAA Bank totally disregarded Mr. Beane’s privacy rights. Perpetrator and
16 conspirator True Brown sent the following email (among others) to his former FBI
17 comrade perpetrator and conspirator Parker Still without force of law and without
18 filing an official sworn affidavit complaint against Mr. Beane.

1 **From:** Brown, True
2 **Sent:** Tuesday, July 11, 2017 4:07 PM
3 **To:** 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
4 **Subject:** Randall Beane

5 Parker

6 **I was wondering if you could provide an update as to status of effort to secure the RV.**

7
8 Also, this link was provided by Tom Grasso, a SSA in CIRFU which lays out the fraud scheme (of course he says it is
9 legit and you are entitled to the money)

10 <https://www.youtube.com/watch?v=R6Kk6oAu3kO>

11 The link is to a YouTube video from the Intellectual Freedom Movement on "pay your bills using your secret
12 account" - in the video the narrator (Harvey Dent) advises that everyone has a secret Social Security Trust Account
13 which they can access to pay bills. The key is an indicator on your SSN card which will correspond to a specific
14 Federal Reserve Bank; **the account number is same as your SSN.**

15 In regard to our member, Randall K Beane; the acquisition of the CDs; the member entered the routing number for
16 the Federal Reserve Bank on NY and then for the account number entered his SSN (**with one digit altered**). The
17 member's correct SSN per USAA records and confirmed with open source credit reports was 243-three nine-1135*;
18 entered on the funding instructions for the CDs was account **244threenine1135***.

19 As far as the matter with our member, Randall Beane, **the loss amount is at approximately \$500,000**; in addition to
20 the purchase of the RV, the member paid off several **consumer loans and a credit card balance; all up totaling**
21 **\$43,458**. FCI is taking steps to have the payments **reversed and loans and credit card debt placed back on the**
22 **books**. The RV purchase includes a wire transfer of **\$493,110.68** and a debit card transaction of **\$10,000** to Buddy
23 Gregg Motor Home.

24 Again, we appreciate the assistance; pass on my regards to the McAllen crew. Hopefully they did not bring to many
25 bad habits to Knoxville. We tried our best to clean them up before they left the Valley.

26 True

27 True Brown
28 Director, Financial Crimes Investigation
29 Enterprise Financial Crimes Management, Enterprise Security Group, USAA
30 9800 Fredericksburg Road, San Antonio, Texas 78288
31 Desk: (210) 498-0853
32 Cell: (210) 508-6594
33 True. Brown(5) usaa.com

34
35 As you can see in the email, perpetrator and conspirator True Brown shared

36 Mr. Beane's financial information and social security account number with

1 perpetrator and coconspirator Parker Still without force of law or official sworn
2 complaint.

3 Per the email below, True Brown and USAA Bank solicited private
4 information about Randall-Keith:Beane from perpetrator and conspirator Parker
5 Still that they were not entitled to have. They did not file an affidavit complaint
6 against Mr. Beane. They were not the plaintiff in the case.

7 **From:** Brown, True [mailto:True.Brown@usaa.com]
8 **Sent:** Wednesday, July 12, 2017 9:10 AM
9 **To:** Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
10 **Subject:** Information request on arrest and RV

11 Now that the smoke has cleared a little; are you in a position to advise: 1. **what charges Randall
12 Beane was arrested/detained on**

13 2. Do you have any info on the RV such as the VIN (trying to
14 get a pic for my management) - if I have VIN I can go to dealer website

15 3. **Do you anticipate charging Beane on complaint**

16 Again, **thank you again for jumping on this matter.** The quick actions taken has really impressed
17 **USAA Executive Management team.** Makes me proud of the organization .

18 Let me know what additional information you need and we will pull it.

19 True

20 Att. #63

The above email sounds more like a personal favor between conspiracy
plotters than a professional investigation.

An email dated Tuesday, July 18, 2017 sent at 2:13 pm (from perpetrator
and coconspirator True Brown to perpetrator and coconspirator Parker Still) shows
a **CD.activity.LE.xlsx** attachment. This is the only email provided that shows an
attachment. If this is the IP logs perpetrator and conspirator Parker Still referred to

1 in his trial testimony below then the USAA email and IP logs attachment was not
2 the basis for perpetrator and conspirator Parker Still determining Randall-
3 Keith:Beane had committed a crime. Still didn't receive this email and attachment
4 until seven (7) days after he had already arrested and assaulted Mr. Beane (arrest
5 date is 7/11/17). It means perpetrator and conspirator Parker Still did not have IP
6 logs on or about July 11, 2017. It means he had no complaint, no affidavit, and no
7 IP logs and yet he arrested, detained and imprisoned Mr. Beane. It means both
8 perpetrators True Brown and Parker Still were conspiring and discussing Mr.
9 Beane's private information with absolutely no lawful reason to do so.

10 Trial transcript: perpetrator and conspirator Parker Still was asked what
11 actual information he had to determine Mr. Beane had committed a crime:

12 **Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial**
13 **Transcript Volume I, P. 49-50, Line 22-25; 1-2; 23-24**

14
15 A I think it was attached to an e-mail from USAA. Again, and I
16 followed up with an interview.

17
18 Q Uh-huh. And what was this attachment?

19
20 A There was some notes I know, like I was describing, and then I think
21 there was some kind of maybe IP logs that showed a -- where, you know -- just IP
22 logs. Have no reason to doubt USAA's information that they provided to us.

23 (Att. #30.2)

1 Perpetrator and conspirator True Brown disclosed Randall-Keith:Beane's
2 private information without his consent and perpetrator and coconspirator Cynthia
3 F. Davidson did so as well. Trial transcript:

4 **Trial Transcript, Volume I, P. 134, Line 19-25**
5

6 **MS. DAVIDSON:** "Your Honor, in this case, the Social Security number
7 is very important, which is why we did not redact them prior to trial. I am
8 aware of the policy of the Court, and we are planning to redact the transcript before
9 it is written up. But, unfortunately, **I believe that his Social Security number is**
10 **very important for our exhibits and needs to be unredacted.**"
11

12 Perpetrator and coconspirator Cynthia F. Davidson's argument involved the
13 third digit of Mr. Beane's social security account number. There are six numbers
14 after the third that could have been redacted in compliance with privacy rights. All
15 she had to do was 243-XX-XXXX or really XX3-XX-XXXX. Here is perpetrator
16 and coconspirator Cynthia F. Davidson and Anne-Marie Svolto's social security
17 account number argument in a nutshell:

18 They argued that in order to access his treasury direct depository account
19 Mr. Beane changed his social security account number as follows:

20 **xx3-xx-xxxx to xx4-xx-xxxx**

21 They never bothered to explain how Mr. Beane would know to move the
22 third digit up one digit to make it work. Did Mr. Beane have psychic powers?
23 They didn't say.

1 None of the other digits had any relevance to their argument. It would have
2 been so easy to mask Randall-Keith:Beane's social security account number that
3 you have to ask why was perpetrator and conspirator Cynthia F. Davidson so
4 against it? She wanted Mr. Beane's full social security account number out there
5 for the world to see along with his birth date, full name and address. Why? Did
6 someone plan to access Mr. Beane's treasury direct depository account once he
7 was locked away?

8 They obtained Randall-Keith:Beane's personal records from his employer,
9 his banker (USAA Bank), his landlord, Buddy Gregg RV's & Motor Homes, etc.
10 and they had NO FORCE OF LAW to do it. Perpetrator and conspirator Parker
11 Still did not have jurisdiction to testify before the grand jury to secure a fake
12 indictment. Perpetrator and conspirator Parker Still used a South Carolina
13 statewide misdemeanor traffic related bench warrant that had been disposed of two
14 years earlier to arrest Randall-Keith:Beane. The case was void from jump street.

15 The Perpetrators and coconspirators violated Randall-Keith:Beane's privacy
16 over and over and over. They denied him the legal process due him. They
17 exceeded their authority. They are trespassers of the law.

18 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
19 **Volume I, P. 110, Line 4-7** - Trial excerpt:

20
21 Q And what is the Social Security number?

22 A 243-39-1135.

1 Q And the date of birth?

2
3 A It's 9/29/67.
4

5 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
6 **Volume I P. 112-113, Line 25, 1-2**
7

8 Q Okay. And if we could look at the Social Security number on this.

9 A The social is 243-39-1135.
10

11 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
12 **Volume I Trial Transcript, Volume I, P. 93, Line 20-24**
13

14 Q And what's that name?

15
16 A Randall Beane.
17

18 Q And also an address?

19
20 A 300 State Street, Apartment 365, Knoxville, Tennessee 37902.
21

22 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
23 **Volume I P. 117, Line 16**
24

25 A These, it's 300 State Street, Apartment 365.
26

27 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
28 **Volume I, P. 121, Line 17**
29

30 A 300 State Street, Apartment 365.
31

32 Heather-Ann:Tucci:Jarraf's elbow counsel (Mr. Lloyd) raised the privacy

33 issue and they just blew him off. Trial transcript:

34 **MR. LLOYD:** "The other thing is, I noticed that the exhibits that have gone in
35 most recently do have **identifying information** on them, **such as Social Security**
36 **numbers**. I wanted to ask the Court how the Court anticipates handling

1 compliance with the redaction policy of the district.” (Trial Transcript, Volume I,
2 P. 134, Line 12-16)

3
4 **THE COURT:** “Government have any thoughts in that regard?” (Trial Transcript,
5 Volume I, P. 134, Line 17-18)

6
7 **MS. DAVIDSON:** “Your Honor, in this case, the Social Security number is very
8 important, which is why we did not redact them prior to trial. I am aware of the
9 policy of the Court, and we are planning to redact the transcript before it is
10 written up. But, unfortunately, I believe that his Social Security number is very
11 important for our exhibits and needs to be unredacted.” (Trial Transcript, Volume
12 I, P. 134, Line 19-25)

13
14 **THE COURT:** “So why don't -- let me think about that. I mean, I understand the
15 government's position and I hear their response. So why don't y'all think about that
16 response and we can talk about it tomorrow if we need to.” (Trial Transcript,
17 Volume I, P. 135, Line 1-4)

18
19 **MR. LLOYD:** “Yes, Your Honor.” (Trial Transcript, Volume I, P. 135, Line 5)

20
21 Obviously tomorrow never came because the private data was not redacted.

22
23 Tennessee Code Annotated (T.C.A). § 10-7-515 prohibits document

24 preparers from placing personally identifying information on documents, for

25 purposes of T.C.A. § 10-7-515, “**personally identifying information**” means: (i)

26 **social security numbers.**

27 Constitutional Amendment IV does not speak directly to privacy rights but

28 it does say – “The right of the people to be secure in their persons, houses, papers,

29 and effects...” The people’s rights extend far beyond that which is enumerated in

30 the Constitution per Amendment IX—“The enumeration in the Constitution of

1 certain rights shall not be construed to deny or disparage others retained by the
2 people.”

3 There is also the Privacy Act of 1974 which governs the use of information
4 maintained by federal agencies. “No agency shall disclose any record which is
5 contained in a system of records by any means of communication to any person, or
6 to another agency, except pursuant to a written request by, or with the prior written
7 consent of, the individual to whom the record pertains.”

8 **XXIII) Punishment – Sentencing and Double Jeopardy**

9
10 Randall-Keith:Beane’s freedom has been stolen and his life turned upside
11 down. Mr. Beane has suffered numerous injuries at the hands of the perpetrators
12 and conspirators to include nine punishments for the same alleged violation. This
13 goes way beyond double jeopardy.

14 **Punishment #1 - Personal Money Judgment to the United States**

15
16 1) “The United States or* the government also seeks a
17 **personal money judgment** in favor of the government
18 and against the defendant for **\$553,749.99**, which the
19 government contends is the amount representing the
20 proceeds the defendant personally obtained as a result of
21 the defendant's criminal violations.” (Sentencing
22 Proceedings Before Thomas A. Varlan, Tuesday, July 24,
23 2018, Document 240, P. 10, Line 12-18 – Att. #78.2)

24
25 2) Stated again - **A money judgment in favor of the**
26 **United States and against the defendant, RANDALL**
27 **KEITH BEANE, for \$553,749.99**, which represents the
28 minimum amount of proceeds RANDALL KEITH
29 BEANE personally obtained. (Preliminary Order of

1 Forfeiture, Document 224, P. 2, Paragraph 1(b) – Att.
2 #77.2)

3
4 3) And again - ‘In total, the United States submits that
5 the amount the defendant personally obtained as a result
6 of the fraudulent purchase of the certificates of deposit
7 was at least **\$553,749.99**. **This amount (\$553,749.99)**
8 **is different from the restitution amount (\$510,589.02)**
9 **owed to the victim bank.** This is because some of the
10 payments the defendant made with the fraudulently
11 obtained funds went directly to the victim bank to pay
12 consumer loans the defendant had with the victim
13 bank.’(Motion For Entry of Preliminary Order of
14 Forfeiture, Doc 223 – P. 2 Footnote - Att. #66.2)

15
16 4) “...this Preliminary Order of Forfeiture will become
17 final as to the money judgment in the amount of
18 **\$553,749.99** at the time of sentencing, and **will be made**
19 **part of the sentence and included in the Judgment.”**
20 (Preliminary Order of Forfeiture, Document 224, P. 3,
21 Paragraph 5 – Att. #77.3) It is not in the judgment.

22
23 In the first paragraph of punishment #1 it says ““The
24 United States or* the government also seeks a **personal**
25 **money judgment** in favor of the government and against
26 the defendant for **\$553,749.99.**” Isn’t the United States
27 the government? Or is perpetrator and conspirator
28 Thomas A. Varlan saying the United States he’s referring
29 to is the corporation? 28 U.S.C. § 3002(15) --
30 “United States” means – (A) a Federal corporation

31
32 In the second paragraph of punishment #1,
33 perpetrators and conspirators said ‘**\$553,749.99**
34 represents the minimum amount of proceeds RANDALL
35 KEITH BEANE personally obtained, but True
36 Brown (USAA Bank Financial Crimes Investigator)
37 said in his July 11, 2017 (4:07 pm) e-mail “...the loss
38 amount is at approximately \$500,000.” (Att. #62.2)

1 In the third paragraph of punishment #1, perpetrators
2 and conspirators said "This is because some of the
3 payments the defendant made with the fraudulently
4 obtained funds went directly to the victim bank to pay
5 consumer loans the defendant had with the victim bank,"
6 but True Brown (USAA Bank investigator) said, in his
7 July 11, 2017 e-mail, (Att. #62.2) "...the member paid
8 off several consumer loans and a credit card balance; all
9 totaling \$43,458 and USAA financial crimes investigator
10 "is taking steps to have the payments reversed and loans
11 and credit card debt placed back on the books." If the
12 payments were reversed and placed back on the books
13 then they weren't paid off so why did perpetrators and
14 conspirators J. Douglas Overbey and Anne-Marie Svolto
15 say Mr. Beane received that amount? They padded the
16 figures.

17
18 In the fourth paragraph of punishment #1, perpetrators
19 and conspirators said the **\$553,749.99**
20 would be included in the Judgment. (Att. #77.3) It is
21 not listed in the judgment. Perpetrator and conspirator
22 Thomas A. Varlan completed the "preliminary order of
23 forfeiture" (Att. #77.3) and the "Judgment in a Criminal
24 Case" (Att. #26.1) 7/24/17, but the \$553,749.99
25 somehow didn't make its way into the judgment. It is,
26 nevertheless, a court order that can be enforced albeit
27 illegal and unlawful. Was the court order of \$553,749.99
28 intentionally left out of the judgment? We think so. Did
29 someone collect it? It's hard to imagine there would
30 be a court order for \$553,749.99 and no one collect it.

31
32 **Punishment #2** - **Criminal Monetary Penalties to Tenn. US Dist. Court**

33
34 "Having assessed the defendant's ability to pay,
35 payment of the total criminal monetary penalties is due as
36 follows:"
37
38
39
40

DEFENDANT: RANDALL KEITH BEANE
CASE NUMBER: 3:17-CR-00082-TAV-DCP(1)

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☒ Lump sum payments of \$ 511,289.02 due immediately, balance due

Judgment In A Criminal Case, Court Document 228, 07/24/18 (Att. #26.3)

Court Document 228 (Judgment in A Criminal Case – (Att. #26.3) says perpetrator and conspirator Thomas A. Varlan assessed Mr. Beane's ability to pay \$511,289.02 and determined he could not only pay the criminal monetary penalty, he also demanded Mr. Beane pay the **\$511,289.02** to the US District Court, Knoxville, Tennessee district court **IMMEDIATELY** and in a **LUMP SUM**.

There is no doubt perpetrator and conspirator Thomas A. Varlan knew Randall-Keith:Beane did not have **\$511,289.02** laying around. What did he assess to see an ability for Randall-Keith:Beane to pay him/his court **\$511,289.02** immediately in a lump sum, and is it the same source from which they collected the \$553,749.99 for the corporate United States?

The \$511,289.02 (for the Tennessee district court) plus the \$553,749.99 (for the United States) total \$1,065,039.01. Was the \$1,065,039.01 taken from the **\$31,000,494.97** that was in Mr. Beane's personal USAA bank account? (Att. #31.3) Or did perpetrator and conspirator Thomas A. Varlan peek into Mr. Beane's treasury direct depository account to assess his ability to pay \$511,289.02 to the Tennessee district court immediately in a lump sum? Those are the only two sources from which perpetrator and conspirator Thomas

1 A. Varlan could have “assessed Mr. Beane’s ability to
2 pay” and pay immediately in a lump sum.

3
4 **Punishment #3** - **Restitution to USAA BANK**

5
6 “It's further ordered that you shall make restitution
7 in the amount of **\$510,589.02** to USAA Bank in
8 accordance with 18 United States Code §§ 3663
9 and 3663(a) **or any other statute authorizing**
10 **restitution.**” (Sentencing Proceedings Before
11 Thomas A. Varlan, Tuesday, July24, 2018,
12 Document 240, P. 32; 14-18) Perpetrator and
13 conspirator Thomas A. Varlan doesn’t know
14 what “other” statutes authorize restitution?

15
16 “Restitution of **\$510,589.02** to: USAA BANK,
17 10750 W. INTERSTATE 10, SAN ANTONIO,
18 TX, 78288” (Judgment In A Criminal Case,
19 Document 228, 07/24/18 – Att. #26.2)

20
21 USAA Bank did not allege an “injury in fact.”
22 USAA Bank was not the plaintiff. USAA Bank
23 did not have a cause of action or standing so why
24 would USAA Bank be awarded **\$510,589.02** restitution?

25
26 The perpetrators and coconspirators used the corporation
27 United States of America (Plaintiff) to steal
28 **\$31,000,494.97 + \$553,749.99 + \$511,289.02 +**
29 **\$510,589.02 + \$503,110.68 (motorhome cost).**

30
31 The perpetrators and coconspirators used United States of
32 America corporation to shield USAA Bank Corporation
33 from liability for their false fraudulent accusations and
34 lies. USAA Bank would not step forward with a sworn
35 affidavit or complaint because they knew their
36 accusations and allegations against Mr. Beane were false.
37 Mr. Beane had a right to face his true accusers (the
38 scoundrels at USAA Bank) and he was denied that right
39 by the prosecuting fraudsters.
40

Punishment #4 - **Imprisonment**

“...it is the judgment of the Court as to Counts 1 through 7 that the defendant, Randall Keith Beane, is hereby committed to the custody of the Bureau of Prisons for a total term of imprisonment of 155 months. This sentence consists of a term of 120 months as to each of Counts 1 through 5 and 155 months as to each of Count 6 and 7 to run concurrently. (Sentencing Proceedings Before Thomas A. Varlan, Tuesday, July 24, 2018, Document 240, P. 32; 5-13)

“**IMPRISONMENT** - The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 155 Months. This sentence consists of a term of 120 months as to each of Counts One through Five, and 155 months as to Count Six and Seven with all counts to run concurrently. It is ordered that this sentence shall be served concurrently to **any anticipated state sentence in Jasper County, South Carolina**, District Court Docket Number 2014GS2700554” (Judgment In A Criminal Case, Document 228, 07/24/18, P. 2)

The South Carolina traffic related case has a disposition date of 7/17/2015 and they all know it including perpetrator and conspirator Thomas A. Varlan. The 7/17/2015 disposition date has been listed on the South Carolina Public Index since at least August 31, 2017 per the I-UV.com post – Att. #2.2. There is no saying the perpetrators did not know the case had been disposed of July 17, 2015 – two years earlier. The perpetrators and conspirators had to pretend all the way to the end that using the South Carolina bench warrant was lawful otherwise they admit to their own criminal conduct.

Punishment #5 - **DNA Collection** - **Violation of Privacy**

1 “You must cooperate in the collection of DNA as
2 directed by the probation officer.”

3
4 This is a violation of privacy and rights, and theft of
5 private property.
6

7 **Punishment #6** - **Unlawful Seizure of Private Property Motorhome**

8
9 “2017 Entegra Cornerstone 45B; 45 foot diesel
10 motorhome; VIN 4VZVU1E94HC082752; topaz in color
11 with eight wheels” (Preliminary Order of Forfeiture,
12 Document 224, P. 2, Paragraph 1(a) – Att. #77.2
13

14 The private property motorhome was illegally and
15 unlawfully seized and given to USAA Bank. It was
16 recently sold by Parkway RV Center.
17

18 **Punishment #7** - **Slave Wages**

19
20 .06 (six) cents per hour prison wage
21 \$25.00 per quarter must be sent to USAA Bank (416.67
22 hours of work @ .06 cent per hour).
23

24 USAA Bank was not the plaintiff and did not file a sworn
25 affidavit complaint against Mr. Beane.
26

27 Let’s not pretend six cents (0.06¢) per hour is
28 punishment for a crime in Mr. Beane’s case. It’s slave
29 labor. Randall-Keith:Beane was trafficked and is
30 being forced to work 416.67 hours per quarter to pay
31 \$25.00 to the corrupt current and former USAA Bank
32 CEO, president and fellow scoundrels Wayne Peacock
33 and Stuart Parker. If you’re not outraged by this
34 something is terribly wrong. This is **peonage,**
35 **involuntary servitude, slavery!** It is bondage; the
36 ownership of a man as chattel, and **the control of the**
37 **labor and services of one man for the benefit of**
38 **another,** and the absence of a legal right to the disposal
39 of his own person, property, and services in their entirety.
40

1 The prison sentence is the punishment. The unlawful
2 loss of freedom and liberty is the punishment. The SIX
3 CENTS PER HOUR IS THEFT OF HIS LABOR,
4 SLAVERY – FORCED LABOR – PEONAGE and a
5 violation of 18 U.S. Code § 1590. (Att. #40)

6 SAMUEL M. CLYATT v. UNITED STATES

7 **'Sec. 1990.** The holding of any person to service or labor under the system
8 known as peonage is abolished and forever prohibited in the territory of New
9 Mexico, or in any other territory or state of the United States; and all acts, laws,
10 resolutions, orders, regulations, or usages of the territory of New Mexico, or of any
11 other territory or state, which have heretofore established, maintained, or enforced,
12 or by virtue of which any attempt shall hereafter be made to establish, maintain, or
13 enforce, directly or indirectly, the voluntary or involuntary service or labor of any
14 persons as peons, in liquidation of any debt or obligation, or otherwise, are
15 declared null and void.'

16 **'Sec. 5526.** Every person who holds, arrests, returns, or causes to be held,
17 arrested, or returned, or in any manner aids in the arrest or return of any person to a
18 condition of peonage, shall be punished by a fine of not less than one thousand nor
19 more than five thousand dollars, or by imprisonment not less than one year nor
20 more than five years, or by both.'

21 "Every man has a natural right to the fruits of his own labor, is generally
22 admitted; and no other person can rightfully deprive him of those fruits, and
23 appropriate them against his will. [The Antelope, 23 U.S. 66, 10 Wheat 66, 6
24 L.Ed. 268 (1825)]

25
26 **Punishment #8** - **Unlawful Seizure of \$31,000,494.97 from Randall-**
27 **Keith:Beane's Private USAA Bank Account**
28

1 **\$31,000,494.97** was seized from
2 Randall-Keith:Beane's private USAA bank account
3 **without force of law**. The FBI, US Attorney, Knoxville
4 sheriff, Tennessee District Court, New York Federal
5 Reserve Bank and USAA Bank all worked together so
6 it's not clear who actually seized the \$31,000,494.97
7 from Mr. Beane's USAA bank account. USAA Bank
8 was responsible for protecting the account from unlawful
9 seizure without a warrant. Monica Alcala (USAA fraud
10 investigator) testified Mr. Beane successfully opened 32
11 CDs totaling \$31,000,494.974 from his treasury direct
12 depository account. (Att. #31.3)

13
14 **Punishment #9** - **Loss of voting right.**

15 The November 3, 2020 election was one of the most
16 consequential elections in the history of this country and
17 Mr. Beane was denied the right to choose to cast a
18 vote based on a fraudulently obtained indictment, a void
19 conviction, and false imprisonment.

20
21 We count nine punishments for the fabricated offense of fraud and money

22 laundering. Here's what the Constitution says:

23 **Amendment V**—"...nor shall any person be subject for the same offence to
24 be twice put in jeopardy of life or limb..." That's the **double jeopardy** clause and
25 it applies to imposing more than one punishment for the same offense. It is
26 unconstitutional to impose multiple punishments for the same "offense" no matter
27 how many counts you divide it into. Regardless of perpetrators and conspirators
28 color of law codes/statutes and counts, there were TWO "offenses" charged – fraud
29 and money laundering – but NINE punishments were handed down.

1 The perpetrators and conspirators managed to win a conviction without
2 proving either “fraud” or “money laundering.”. What a magic trick! Or was it a
3 money trick? Lots of money was involved in this case. Where or to whom did it
4 all go?

5 In punishment #1 perpetrator and coconspirator Thomas A. Varlan used his
6 position of emolument to wrongly order the immediate taking of \$511,289.02 for
7 the US District Court for the Eastern District of Tennessee. (Att. #26.3)
8 Perpetrator and conspirator Thomas A. Varlan had at least a **\$511,289.02** motive
9 for ensuring Mr. Beane was convicted and imprisoned for years. Thomas A.
10 Varlan clearly had a conflict of interest given the money judgments he assessed
11 against Mr. Beane benefited him directly or indirectly. He had a clear incentive to
12 ensure Mr. Beane was convicted and imprisoned. Perpetrator Varlan did not
13 exercise his official judgment and duties in an unbiased manner and this led to him
14 trespassing the law and exercising power and authority he did not lawfully have.

15 The Eastern District of Tennessee District Court did not make a claim
16 against Randall-Keith:Beane so why did it demand to immediately receive more
17 than half a million dollars in a lump sum from Randall-Keith:Beane upon
18 conviction? Given the District Court for the Eastern District of Tennessee did not
19 suffer a loss or injury in fact it would not be entitled to \$ **511,289.02**. (Att. #26.3)

1 Money and financial benefit was a clear motivation for the frame up. The
2 hanky-panky with the numbers is clear. The perpetrators and conspirators made up
3 the \$553,749.99 personal money judgment to the United States. They made up the
4 \$511,289.02 criminal monetary penalty to the district court. And they made up the
5 \$510,589.02 restitution to USAA Bank. What is restitution?

6 **DEFINITION – Restitution:**

7
8 **RESTITUTION**, practice. The return of something to the owner of it, or to the
9 person entitled to it. (Bouvier's Law Dictionary, Revised Sixth Edition, P. 1771)

10 **RESTITUTION**. Act of restoring; restoration; restoration of anything to its
11 rightful owner; the act of making good or **giving equivalent for any loss, damage**
12 **or injury**. (Black's Law Dictionary, 4th Edition, P. 1477)

13
14 **RESTITUTION**. N. (1) A remedy in which a victim is **restored to his or her**
15 **original state** or condition prior to the injury; the act of making good for some
16 wrong; restoration of the status quo. (The Essential Law Dictionary, First Edition,
17 P. 431)

18
19 Here are the "loss" numbers according to USAA Bank investigator True

20 Brown (Att. #62.2):

21	\$493,110.68	(Mr. Beane's wire transfer for the Motorhome)
22	+ <u>\$10,000.00</u>	(Mr. Beane's deposit to Buddy Gregg Motor Homes)
23	\$503,110.68	Total
24	+ \$43,458.00	(Mr. Beane's Bill payments made per True Brown)
25	- <u>\$43,458.00</u>	(Bill payments reversed and put back on the books per
26		True Brown – confirmed by Monica Alcala, Att. #31.3,
27		Line 22-23. USAA reversed the payments and put the
28		accounts in default.)
29	\$503,110.68	Total
30	- <u>\$379,000.00</u>	(Motorhome approximate sold price – Parkway RV
31		Center) – Att. #84.1 and #84.2

1 \$124,110.68 (Approximate amount the motorhome – with ONLY
2 1,000 miles on it not attributed to Mr. Beane driving it –
3 was unnecessarily deep discounted by the unlawful
4 seller. Any loss was caused by the unlawful seller and
5 the perpetrators and coconspirators)
6 \$0 Amount of Loss Caused by Mr. Beane
7

8 Randall-Keith:Beane did not steal from USAA Bank. USAA Bank and
9 others stole from Randall-Keith:Beane and got away with it with the assistance of
10 malfeasant prosecutors.

11 United States is not listed as the plaintiff. The canon of construction
12 holds that to express or include one thing implies the exclusion of the other.

13 United States of America is included in the case – United States is not. The United
14 States and United States of America are not the same entity and neither had
15 standing. Why would perpetrator and conspirator Thomas A. Varlan award the
16 United States \$553,749.99 allegedly for USAA Bank plus \$510,589.02 restitution
17 for USAA Bank when Mr. Beane took \$0 from them? (Att. #77.2, #78.2, #26.2)
18 Why would perpetrator and conspirator Thomas A. Varlan award \$511,289.02 to
19 his court? (Att. #26.3) Mr. Beane took nothing from the district court so he owes
20 nothing to the district court.

21 The United States District Court for the Eastern District of Tennessee was
22 not the plaintiff. It did not suffer an injury. It did not have standing.

23 USAA Bank was not the plaintiff. USAA bank did not show proof they
24 suffered a loss of \$1,064,339.01 (\$553,749.99 + \$510,589.02). Why would

1 perpetrator and conspirator Thomas A. Varlan award USAA Bank \$1,064,339.01
2 from Mr. Beane when Mr. Beane took \$0 from them? (Att. #66.2, #26.2, #77.2,
3 #78.2)

4 An investigation to find out where EVERY penny went and why is
5 imperative to include: (1) the \$31,000,494.97 that was in Mr. Beane's USAA bank
6 account, (2) the \$553,749.99 "personal money judgment" awarded to the United
7 States, (3) the \$510,589.02 restitution awarded to USAA Bank, and (4) the
8 \$511,289.02 criminal monetary penalty awarded to the US District Court for the
9 Eastern District of Tennessee.

10 It's not surprising the prosecutors violated Brady v. Maryland and held the
11 exculpatory True Brown emails until after the conviction. Perpetrator and
12 conspirator True Brown laid out the numbers USAA Bank alleged as a loss (Att.
13 #62.2) and it in no way adds up to \$1,064,339.01 (\$553,749.99 + \$510,589.02).
14 Somebody lined their pockets.

15 The reality of the situation is USAA Bank stole from Mr. Beane – not the
16 other way around. They took: 1) Mr. Beane's freedom and liberty, 2) Mr. Beane's
17 bank account - \$31,000,494.97, 3) the private property motorhome, and 4) any
18 money the prison system has sent to USAA Bank from Mr. Beane's slave wages.

19 USAA Bank lied about Mr. Beane altering his social security account
20 number by one digit. (Att. #62.2) Perpetrator and conspirator True Brown of

1 USAA Bank said Mr. Beane used an account number beginning “244” to fund his
2 USAA Bank account rather than his social security account number beginning
3 “243.” No one stepped forward to complain Mr. Beane accessed their “244”
4 account. To whom did account “244” belong? USAA Bank was not forced by the
5 prosecutors to say because they were all lying and conspiring against Mr. Beane
6 and Mrs. Tucci:Jarraf. The prosecuting perpetrators and conspirators questioned
7 perpetrator and conspirator True Brown’s subordinate Monica Alcala. Monica
8 Alcala did not accuse Mr. Beane of altering his social security account number –
9 perpetrator and coconspirator True Brown did. The prosecutors shielded and
10 protected perpetrator and conspirator True Brown from facing the man he accused
11 of a crime, and they denied Mr. Beane his right to face his accuser – True Brown –
12 and question him regarding his secret accusations against Mr. Beane.

13 Justice and the law had nothing to do with this case. This case was a cash
14 cow. It was a case built on fraud, theft, extortion under color of official right, and
15 likely racketeering by those involved in bringing the charges against Mr. Beane
16 and Mrs. Tucci:Jarraf.

17 The one and ONLY loss occurred as a result of the US Attorney, District
18 Court for the Eastern district of Tennessee, and USAA Bank unlawfully and
19 illegally seizing a private property motor home and selling it for a deep discount.

20 **XXIV) Petition of Third Party Interest**

1 Apparently perpetrators and conspirators Cynthia F. Davidson and Anne-
2 Marie Svolto considered USAA Bank the “victim” and a “third party defendant.”
3 (“USAA Federal Savings Bank is a victim in the case.” - Document 251 Filed
4 11/15/18, P. 2 - United States’ Response to USAA Federal Savings Bank’s
5 Petition and Request for Discovery and Motions Deadline)

6 David True Brown, Jr. (USAA Bank Investigator) filed a petition of third
7 party interest with regard to the RV motorhome owned by the Randall Keith Beane
8 Factualized Trust. (Att. #65.1, #65.2, #65.3) Please note the RV motorhome was
9 not owned by the man Randall-Keith:Beane. It was owned by a trust – the Randall
10 Keith Beane Factualized Trust. That didn’t matter to the law breaking perpetrators
11 and coconspirators.

12 USAA Bank executives made off like bandits with (1) **\$31,000,494.97** stolen
13 from Randall-Keith: Beane’s private USAA bank account, (2) the RV motorhome
14 owned by the Randall Keith Beane Factualized Trust, (3) **\$510,589.02** court
15 ordered restitution, and (4) \$553,749.99 court ordered personal money judgment.
16 They caused Randall-Keith:Beane to lose his freedom and liberty – his
17 employment – and his home. They successfully fabricated a case to falsely
18 imprison an innocent man and woman to hide the theft of \$31,000,494.97. All of
19 that is a considerable accomplishment for a group of bankers who did not have to
20 step forward to prove standing or make a lawful claim, prove they were an injured

1 party, or to make even one accusation in court before the accused, the jury, and the
2 gallery.

3 Perpetrator and coconspirator David True Brown, Jr.'s forfeiture affidavit
4 asserts "...part of this forfeiture action based on fraudulently obtained proceeds."
5 (Att. #65.3) This assertion is based on the lie perpetrator and conspirator True
6 Brown stated in an email in which he says Mr. Beane 'altered his social security
7 account number by one digit.' (Att. #62.2) If the perpetrators and conspirators
8 admitted Mr. Beane used his actual social security account number they would not
9 have been able to charge him with fraud. So they switched between saying he
10 "altered his social security number by one digit" and he "used a fictitious bank
11 account number." (Att. #71.3, #71.4, #65.2, 66.2)

12 USAA Bank was not forced to prove their "victim" status or their third-party
13 defendant claim. They simply made allegations against Randall-Keith:Beane and
14 that was good enough for the FBI, US Attorneys and district court perpetrators and
15 coconspirators. Trial transcript:

16 **"Have no reason to doubt USAA's information that they provided to**
17 **us"** (Att. #30.2) and **"Have absolutely no reason to doubt, as I said earlier,**
18 **anything that Mr. Brown or USAA was relaying to us."** (Parker Still, Trial
19 Transcript Volume I, P.50-51, Line 23-24, 23-24)
20

21 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were denied the
22 opportunity to face their accusers – David True Brown, Jr., Director, Financial
23 Crimes Investigation and the Executive Team at USAA Bank -- Wayne Peacock,

1 CEO, Stuart Parker, former CEO, Dan McNamara, President, Michael Merwarth,
2 Senior Vice President, Torben Ostergaard, Executive Vice President and Chief
3 Risk Officer, Dana Simmons, Executive Vice President, CEO Chief of Staff, and
4 Laura Bishop, Executive Vice President and Chief Financial Officer.

5 Randall-Keith:Beane was DENIED the opportunity “to be confronted with
6 the witnesses against him” - Constitution Amendment VI. Perpetrator and
7 conspirator David True Brown, Jr. and USAA Bank executive team were protected
8 and shielded from Randall-Keith: Beane and Heather-Ann: Tucci: Jarraf
9 questioning their accusations and claim. Had the prosecutors followed Brady v.
10 Maryland and turned over perpetrator and conspirator David True Brown, Jr. and
11 Parker Still’s emails BEFORE the trial ended perhaps Mr. Beane and Mrs.
12 Tucci:Jarraf might have been able to ask the true accusers to explain their
13 accusation that Mr. Beane altered his social security account number by one digit –
14 the centerpiece of the prosecution’s case. Maybe they would have asked for proof
15 of loss and injury. Perhaps Mr. Beane would have questioned them regarding their
16 claim to the motorhome owned by a trust.

17 USAA Bank did not step forward to make a claim until after the conviction.
18 USAA Bank stayed hidden in the background with their claim kept secret with the
19 help of the prosecutors.

1 Monica Alcala, a USAA fraud investigator, testified but perpetrator and
2 coconspirator True Brown and USAA Bank executive team were the actual
3 accusers – not their subordinate Monica Alcala.

4 David True Brown, Jr., Wayne Peacock, Stuart Parker, Dan McNamara,
5 Michael Merwarth, Torben Ostergaard, Dana Simmons, and Laura Bishop of
6 USAA Bank were all hiding behind Monica Alcala's skirt while they secretly
7 made accusations and fabricated a case to falsely imprison one of their Air Force
8 veteran members –never to be held accountable for their lies.

9 There were no email accusations from Monica Alcala. In fact, Monica
10 Alcala tried to tell the truth about Randall-Keith:Beane using his correct social
11 security account number. She was forced to change her testimony, lie, and perjure
12 herself in violation of 18 U.S. Code § 1621. (Att. #42)

13 In his Petition of Third-Party Interest, perpetrator and conspirator David
14 True Brown, Jr. swore under penalty of perjury Randall-Keith:Beane used a
15 fictitious bank account number. If the bank account number was fictitious then
16 there would not have been a successful transaction.

17 Perpetrator and conspirator Anne-Marie Svolto pushed the same lie --
18 "a fictitious bank account number (i.e., defendant's Social Security Number)..."
19 (Motion for Entry of Preliminary Order of Forfeiture, Document 223, P. 2, ¶ 2 –
20 Att. #66.2)

Is it possible to use a fictitious nonexistent bank account number? . Let's look at the definition of fictitious:

Fictitious - Feigned, imaginary, not real, false, not genuine, nonexistent. (Black's Law Dictionary, Edition 4, 1968)

Fictitious - Pretended. (Bouvier Law Dictionary, Revised Sixth Edition, 1856)

Fictitious - of, relating to, or characteristic of fiction:
IMAGINARY (<https://www.merriam-webster.com/dictionary/fictitious>)

Fictitious - invented and not true or not existing.
(<https://dictionary.cambridge.org/dictionary/english/fictitious>)

Synonyms for Fictitious- fictional, imaginary, invented, made-up, make-believe, mythical, pretend, unreal. (<https://www.merriam-webster.com/thesaurus/fictitious>)

Let's look at one of the factual statements perpetrator and coconspirator David True Brown, Jr. swore to under penalty of perjury in his Petition of Third-Party Interest:

"Defendant used a **fictitious** bank account number..." (Att. #65.2, #71.2, #71.3, #71.4) Now let's replace the word "fictitious" with some synonyms.

Defendant used a **nonexistent** bank account number.
Defendant used an **imaginary** bank account number.
Defendant used a **made-up** bank account number.
Defendant used a **make-believe** bank account number.
Defendant used a **pretend** bank account number
Defendant used an **unreal** bank account number

You get the point! Regardless of how nonsensical the lie, it was their only path to a fraud charge against Mr. Beane. Without this lie the FBI and US

1 Attorney perpetrators and coconspirators could not have charged fraud – and
2 that includes counts 1-6 bank and wire fraud, and count 7 money laundering,
3 which is a form of fraud.

4 The advantage of operating a kangaroo court is you can make up the rules as
5 you go along and the perpetrators and coconspirators certainly did that. In a
6 kangaroo court you can fabricate crimes and create fictitious warrants with
7 impunity. It's a kangaroo court! Nobody is going to say anything because they're
8 all in the conspiracy together. None of the perpetrators and coconspirators had
9 reason to fear their work would be reviewed by anyone outside the conspiracy.
10 Nobody's looking or checking because nobody seems to care if rogue prosecutors
11 fabricate a fraud and money laundering case to frame innocent Americans to send
12 them to prison.

13 XXV) The Appeal

14
15 Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf had the Right to an
16 appeal of the conviction and sentence. They were denied that right. The appellate
17 court pretended to honor their request for an appeal while at the same time they
18 worked the system to ensure they wouldn't get one. The appellate court appointed
19 Stephen Louis Braga to represent Mr. Beane and Dennis G. Terez to represent Mrs.
20 Tucci:Jarraf. With the assistance of these two attorneys the court ensured Mr.

1 Beane and Mrs. Tucci:Jarraf would not have the opportunity to present their
2 appeal.

3 In his opinion, perpetrator and coconspirator Jeffrey Sutton wrote - "...both
4 defendants had plenty of mental acuity." (United States Court of Appeals for the
5 Sixth Circuit, Opinion, Sutton, Circuit Judge, P. 6, ¶ 4) The only individuals to
6 question Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf's mental acuity
7 appears to be the unauthorized traitors appointed by the appeals court, without
8 consent, to "represent" them.

9 Randall-Keith:Beane did not hire Stephen Louis Braga to represent him.
10 Stephen Louis Braga wrote that appeal brief without having one conversation with
11 Randall-Keith:Beane.

12 Heather-Ann:Tucci:Jarraf did not hire Dennis G. Terez to represent her.
13 Dennis G. Terez wrote that appeal brief without having one conversation with
14 Heather-Ann:Tucci:Jarraf.

15 Out of the gate both Stephen Louis Braga and Dennis G. Terez ceded
16 "jurisdiction" to the district court. (Att. #75.2 and #74.2) They were false in their
17 duty to Mr. Beane and Mrs. Tucci:Jarraf. They assisted and conspired with the
18 other fraudster perpetrators and coconspirators. It's interesting neither of them
19 mentioned subject matter or personal jurisdiction in their appellate brief. They
20 spoke in general about jurisdiction.

1 Stephen Louis Braga said the district court had jurisdiction pursuant to 28
2 U.S.C. § 1331 which is one of the two ways for a federal court to gain subject
3 matter jurisdiction. (Att. #5 and #6) However, it pertains to **civil actions** – not
4 criminal. He offered no argument with regard to personal jurisdiction, the
5 disposed of South Carolina traffic related bench warrant or the fraudulent
6 Tennessee arrest warrant not signed by the clerk.

7 Dennis G. Terez said the district court had original jurisdiction pursuant to
8 18 U.S.C. § 3231. This is not one of the two ways a federal court gains subject
9 matter jurisdiction. (Att. #6 and #24)

10 It's not clear exactly how one would commit an "offense" against the "law"
11 as stated in section 3231. Section 3231 is vague, unlawful, crafty editing by the
12 Office of Law Revision Counsel. Dennis G. Terez offered no argument with
13 regard to personal jurisdiction or the fraudulent Tennessee arrest warrant not
14 signed by the clerk.

15 It's not hard to see Stephen Louis Braga did not advocate for Randall-
16 Keith:Beane and Dennis G. Terez did not advocate for Heather-Ann:Tucci:Jarraf.
17 They could have challenged subject matter and personal jurisdiction on solid
18 ground but they didn't.

19 Perpetrators and coconspirators Jeffrey Sutton, Deborah L. Cook, and Anul
20 Thaper read Stephen Louis Braga's appellate brief, particularly his statement of

1 jurisdiction (P. 2), in which he says “The district court had jurisdiction of this
2 action pursuant to 28 U.S.C. § 1331 (1980) as it arose under laws of the United
3 States...” (Att. #75.2) Unless “this action” was a civil action Stephen Louis
4 Braga provided proof of the opposite – the district court DID NOT have
5 jurisdiction of this action.

6 According to the law of voids “before a court (judge) can proceed judicially,
7 jurisdiction must be complete **consisting of two opposing parties** (not their
8 attorneys—although attorneys can enter an appearance on behalf of a party, only
9 the parties can testify and **until the plaintiff testifies the court has no basis upon**
10 **which to rule judicially**), and the two halves of subject matter jurisdiction – the
11 statutory or common law authority the action is brought under and the **testimony**
12 **of a competent fact witness** regarding **the injury (the cause of action)**. If there
13 is a **jurisdictional failing** appearing on the face of the record, **the matter is void**,
14 subject to vacation with damages, and can never be time barred.” (Void
15 Judgments, Richard Luke Cornforth, P. 24)

16 Stephen Louis Braga and Dennis G. Terez built an appeal around attacking
17 their “client” under the guise of arguing the dangers of self-representation and their
18 mental fitness. Way to go! They didn’t vigorously represent Randall-Keith:Beane
19 and Heather-Ann:Tucci:Jarraf . They joined the conspiracy and held the line
20 because that was the role they were hired to play in the conspiracy.

1 Stephen Louis Braga and Dennis G. Terez didn't bother to communicate
2 with their "client" who could have offered real appellate arguments. Instead, they
3 offered a lazy argument designed to ensure the appellate court had an excuse to
4 affirm the convictions. Beyond the UCC filings, there's a laundry list of reasons
5 why the district court did not have subject matter or personal jurisdiction:

- 6 1) Federal question jurisdiction is one of the two ways for a federal court to
7 gain subject matter jurisdiction over a case. (28 U.S. Code § 1331) The
8 other way is through diversity jurisdiction. (28 U.S. Code § 1332)
9 (Attachment #5, #6, and #7)
10
- 11 2) Plaintiff did not have standing/cause of action.
12
- 13 3) Plaintiff did not testify.
14
- 15 4) The FBI did not have jurisdiction.
16
- 17 5) The South Carolina bench warrant was statewide and disposed of two
18 years earlier. Randall-Keith:Beane was kidnapped July 11, 2017. There
19 was no personal jurisdiction. It was felony kidnapping! (Att. #41)
20
- 21 6) The fraudulent fictitious Tennessee district court arrest warrants were not
22 signed by the clerk and therefore not valid. Heather-Ann:Tucci Jarraf
23 and Randall-Keith:Beane were kidnapped. There was no personal
24 jurisdiction. It was felony kidnapping! (Att. #41)
25
- 26 7) There was clear and obvious fraud upon the court – a conspiracy to frame
27 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf and deprive them of
28 their rights.
29
- 30 8) The perpetrators and coconspirators violated due process – no Randall-
31 Keith:Beane probable cause hearing.
32
- 33 9) The district court exceeded its statutory authority – it is supposed to be a
34 court of record. (28 U.S. Code § 132 – Att. #8)
35

- 10) No cognizable cause of action against Randall-Keith:Beane or Heather-Ann:Tucci:Jarraf,
- 11) The US Attorney and FBI perpetrators and coconspirators said the “victim,” was USAA Bank but they misled and confused the jury into believing the United States of America was the injured party. Neither United States of America nor USAA Bank suffered an injury that would give rise to a cause of action.
- 12) All ordered judgments were based on void ordered judgments. There was no time in which the district court had lawful subject matter or personal jurisdiction.
- 13) Perpetrators and coconspirators Thomas A. Varlan and C. Clifford Shirley committed fraud by operating a court other than a court of record.
- Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf timely filed a “Notice of

Appeal.”

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
v.) No. 3:17-cr-82-01
RANDALL KEITH BEANE)

NOTICE OF APPEAL

Notice is hereby given that Randall Keith Beane hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on 24th day of July, 2018.

Defendant's signature

Randall Keith Beane

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

Case No. 3:17-CR-82-02

HEATHER ANN TUCCI-JARRAF,

NOTICE OF APPEAL

Notice is hereby given that Heather Ann Tucci-Jarraf, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on the 17th day of July, 2018.

Defendant's signature

Heather Ann Tucci-Jarraf

1 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were essentially
2 **DENIED** an appeal by perpetrators and coconspirators Jeffrey Sutton, Deborah L.
3 Cook, and Anul Thaper. Perpetrator and coconspirator Jeffrey Sutton wrote in his
4 appellate opinion: “On the other side, all defendants, whether lawyers or not, have
5 a right to represent themselves—what amounts to the right to reject counsel and to
6 confront the government alone.” (United States Court of Appeals for the Sixth
7 Circuit, Opinion, Sutton, Circuit Judge, P.5, ¶ 4). Perpetrator and conspirator
8 Jeffrey Sutton denied this right to Mr. Beane and Mrs. Tucci:Jarraf. Moreover,
9 “...The right to file a lawsuit pro se is one of the most important rights under the
10 constitution and laws.” (Elmore v. McCammon (1986) 640 F. Supp. 905)

11 Perpetrator and conspirator Jeffrey Sutton said Randall-Keith:Beane and
12 Heather-Ann:Tucci:Jarraf were competent when they presented themselves in the
13 district court and this is why he rejected Braga and Terez’s unauthorized argument
14 ‘my client is incompetent and crazy.’

15 Nor did Beane and Tucci-Jarraf’s defense suggest they lacked the capacity to compete
16 with the prosecution. While they gave plenty of airtime to implausible conspiracy theories, they
17 succeeded in other respects. During cross-examination, they asked logical questions aimed at
18 exposing gaps in the witnesses’ knowledge and inconsistencies in the prosecution’s narrative.
19 During their testimony, they successfully introduced helpful biographical details—information
20 about their upbringings, their motivations, and their histories of government service. And during
 their closing arguments, they clearly explained their belief system, and articulated why it led
 them to do what they did. Sure, experienced counsel would have done a better job. But that
 reality doesn’t show the defendants were too incompetent to defend themselves. Else, laypeople
 could never represent themselves.

4 If perpetrator and conspirator Jeffrey Sutton believed Randall-Keith:Beane
5 and Heather-Ann:Tucci:Jarraf were competent in the district court the same would
6 hold true for their appeal. But he denied them the right to present their appeal.
7 The court appointed BAR attorneys to represent Randall-Keith:Beane and Heather-
8 Ann:Tucci:Jarraf without consulting them, without their consent, and likely against
9 their will. There is no law saying one must have a BAR attorney-at-law/officer of
10 the court speak for him or her.

11 “Litigants can be assisted by unlicensed laymen during judicial
12 proceedings.” (Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377
13 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425)

14 “A next friend is a person who represents someone who is unable to tend to
15 his or her own interest.” (Federal Rules of Civil Procedures, Rule 17, 28 USCA
16 “Next Friend)

17 “Members of groups who are competent non-lawyers can assist other
18 members of the group achieve the goals of the group in court without
19 being charged with “unauthorized practice of law.” (NAACP v. Button, 371 U.S.
20 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v.
21 Avery, 89 S. Ct. 747; 1969)

1 **“The practice of law is an occupation of common right.”** (Sims v. Aherns,
2 271 SW 720; 1925)

3 **“The practice of law cannot be licensed by any state/State.”** (Schware v.
4 Board of Examiners, United State Reports 353 U.S. pages 238, 239.)

5 Perpetrators and coconspirators Jeffrey Sutton, Deborah L. Cook, and Anul
6 Thaper DENIED Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf the right to
7 speak for themselves and present their own appeal. The Court of Appeal
8 handpicked two traitors who didn’t even feel it necessary to speak with Mr. Beane
9 and Mrs. Tucci:Jarraf. They clearly understood who they were really working for
10 and what their job was.

11 **Definition of *traitor* -- 1:** one who betrays another's trust or is **false to**
12 **an obligation or duty**; **2:** one who commits treason,
13 (<https://www.merriam-webster.com/dictionary/traitor>) .

14 Stephen Louis Braga, a Virginia bar attorney, didn’t contact Randall-
15 Keith:Beane to discuss the case or the appeal. He simply wrote a 47-page opening
16 brief in which he acquiesced to the prosecutors and district judge false claim of
17 subject matter and personal jurisdiction. Stephen Louis Braga called himself
18 counsel for appellant but Randall-Keith:Beane did not hire him. He did not even
19 bother to contact Mr. Beane about the appeal. The Virginia state bar rules of
20 professional conduct, Rule 1.2(a) says: “A lawyer shall abide by a client’s

1 decisions concerning the objectives of representation...and shall consult with the
2 client as to the means by which they are to be pursued.”

3 Rule 3.3(d) is about candor toward the tribunal. It says “A lawyer who
4 receives information clearly establishing that a person other than a client has
5 perpetrated a fraud upon the tribunal in a proceeding in which the lawyer is
6 representing a client shall promptly reveal the fraud to the tribunal.” If Braga read
7 the case file, and surely he did, he clearly knows the FBI and US Attorneys
8 perpetrated fraud upon the court with their fraudulent arrest warrants alone.

9 In his opening brief, perpetrator and conspirator Stephen Louis Braga cites
10 28 U.S.C. § 1331 with full knowledge that section 1331 gives jurisdiction for civil
11 actions – not criminal. He knew the FBI, DOJ prosecutors, district judges, public
12 defender and elbow counsel were perpetrating a fraud and he joined in.

13 Ohio rules of professional conduct have the same or similar rules that apply
14 to Dennis G. Terez. He, too, called himself counsel for Heather-Ann:Tucci:Jarraf
15 and submitted an opening brief without ever having sat down and discussed the
16 case and the appeal with Mrs. Tucci:Jarraf.

17 According to the American Bar Association it is misconduct for a lawyer to:
18 (c) “engage in conduct involving dishonesty, fraud, deceit or misrepresentation;”
19 and (d) “engage in conduct that is prejudicial to the administration of justice.”

1 Perpetrators and coconspirators Stephen Louis Braga, Dennis G. Terez,
2 Jeffrey Sutton, Deborah L. Cook, and Anul Thaper all read the case file so they all
3 knew the following:

- 4 • FBI and US Attorney perpetrators used a South Carolina statewide
5 misdemeanor traffic related bench warrant that had been disposed of two
6 years earlier to arrest and attack Randall-Keith:Beane. (Att. #1.2 and #2.1)
- 7 • FBI and US Attorney perpetrators created fraudulent fictitious Tennessee
8 district court arrest warrants to arrest Randall-Keith:Beane a second time (4th
9 time in total arrests – twice by FBI and twice by Knoxville Sheriff) and
10 Heather-Ann:Tucci:Jarraf. (Att. #3, #4 and #10)
- 11 • The FBI knew they did not have jurisdiction over a private business
12 transaction. (Att. #15, 16.1, and 16.2)
- 13 • Perpetrator and coconspirator Cynthia F. Davidson allowed perpetrator and
14 coconspirator Parker Still to present to the grand jury, as the sole witness,
15 statements from perpetrator and coconspirator True Brown of USAA Bank
16 to prove a crime happened without putting perpetrator and coconspirator
17 True Brown under oath. The FBI and DOJ perpetrators and coconspirators
18 shielded perpetrators and coconspirators True Brown and USAA Bank
19 executive team.

1 • Perpetrators and conspirators True Brown, Parker Still, Cynthia F. Davidson
2 et al. knowingly lied about Mr. Beane altering the third digit of his social
3 security account number by moving it up one digit to access his treasury
4 direct depository account.

5 • There was no accuser. United States of America did not accuse anything. It
6 is a corporation – a piece of paper. US Attorney perpetrators knew the
7 plaintiff did not have standing. It did not suffer an injury in fact. (Att.
8 #33.2)

9 • Perpetrator and conspirator True Brown and USAA Bank executive team hid
10 in the shadows making accusations against Randall-Keith:Beane.

11 A few more things the perpetrators and coconspirators read in the file and ignored:

12 1) Perpetrator and coconspirator Cynthia F. Davidson told the grand jury it was
13 a bona fide purchaser. (Att. #29.4) There was only one purchaser –
14 Randall-Keith:Beane for the Randall Keith Beane Factualized Trust.

15
16 MS. DAVIDSON: Because all of the money that
17 went to Whitney Bank for the motor home is gone?

18 THE JUROR: Right, right.

19 MS. DAVIDSON: Because that was a, you know, a
20 bona fide purchaser.

21 Grand Jury Transcript, P. 40, Line 11-15 (Att. #29.4)

22 **BONA FIDE.** Is or with good faith; honesty, openly, and sincerely; **without**
23 **deceit or fraud.** (Black's Law Dictionary, 4th Edition, P. 223)

1 **Bona Fide Purchaser** - One who acts without covin, fraud, or collusion
2 (Black's Law Dictionary, 4th Edition, P. 224)
3

- 4 2) Perpetrator and conspirator Cynthia Davidson had another Freudian slip.
5 She clearly understood who the real victim was when she said "the theft
6 **from** the defendant, Randall Keith Beane..."

7 Q Okay. During the theft from the defendant, Randall
8 Keith Beane, roughly July 30 -- I'm sorry, July 3rd, 2017
9 Trial Transcript, Volume II, P. 38, Line 4-5 (Att. #31.3)
10
11

- 12 3) Perpetrator and conspirator Parker Still essentially said handing
13 someone a copy of the warrant so that they may inspect it to ensure it is
14 authentic is TV stuff. He can't be bothered with due process. (Att. #30.4)
15

16 A No, ma'am. And I -- I don't -- I mean, that's -- I
17 think that's some of TV stuff where we serve people, put a
18 warrant in their hands. You know, that's -- I don't -- that's
just not general practice where you would, you know, serve
someone -- hand someone a warrant, generally.

19 Trial Transcript, Volume I, P. 69, Line 13-17 (Att. #30.4)
20

- 21 4) If you're in a Walmart looking for a friend or a family member, or
22 you're trying to find the restroom before you have an accident walk -- do not
23 run. You may get tackled by perpetrator and conspirator Parker Still, even
24 though you haven't left the store. And if your case is heard before
25 perpetrator and conspirator Varlan or Sutton they are likely to think it is
26 okay for him to tackle you..
27

28 Just like tonight if I see a shoplifter running down
29 the aisle at Walmart, I can tackle them. You know, I can make
30 a probable cause arrest in Tennessee.

31 Perpetrator and coconspirator Parker Still, Trial Transcript, Volume I, P. 62, Line 12-14
32 (Att. #30.3)
33

1 5) Perpetrator and conspirator Parker Still explains why he did not finish
2 the affidavit before rushing out to arrest Mr. Beane. It's more likely he
3 couldn't go before a magistrate and swear under oath an affidavit because
4 there was no probable cause. If they could have had a probable cause
5 hearing they would have had a probable cause hearing.

6
7 it's going to be -- the keys are going to be turned over to him
8 at Buddy Gregg, we had to react. There was not time for me to
9 get in front of the magistrate judge. There was not time for
10 me to finish an affidavit. We had to react at the time.

11 Perpetrator and coconspirator Parker Still, Trial Transcript, Volume I, P. 62, Line 22-25
12 (Att. #30.3)

13 6) Perpetrator and conspirator Parker Still inadvertently confirms the
14 treasury direct depository account with the statement -- "**she has knowledge**
15 **of these funds.**" He clearly has knowledge of the treasury direct depository
16 accounts too so why lie and tell the grand jury and trial jury Mr. Beane used
17 a "fictitious account number?" (Grand Jury Transcript, P. 52, Line 3-4)

18
19 And her knowledge of -- how do I say this, she
20 has knowledge of these funds; right, because what if -- I

21
22 Perpetrator and coconspirator Parker Still, Grand Jury Transcript, P. 52, Line 3-4

23
24 7) Beside his fixation with the motorhome marble floors and two
25 bathrooms, perpetrator and conspirator Jeffrey Sutton did show interest in
26 perpetrator and conspirator Parker Still's speculation about "military
27 operations."

28 We have subsequently learned that possibly,
29 again, speculating, that that comment meant, "Military
30 operations," to try to remove Mr. Beane from the Knox County
31 Detention Center. That's what, again, what I deduct.

32 Perpetrator and coconspirator Parker Still, Grand Jury Transcript, P. 56-57, Line 25, 1-3

1 8) The FBI and Sheriff Deputy perpetrators and coconspirators committed
2 aggravated assault against Mr. Beane by beating him up, bruising his body,
3 twisting his arm, gave him a black eye, gave him a bleeding cut to the back
4 of the head and they strangled him until he cried out "I can't breathe."

5 Well, they grab me and pulled me
6 outside the coach and start beating me and throwing
7 me on the ground. One of them has got his foot on
8 my head and telling me to -- I'm telling him, "I
9 can't breathe." And he's saying, "You're going to
10 have to breathe."
11
12

13 Well, when I did breathe, my mouth was
14 stuck full of dirt and grass because he had my head
15 so far down in the grass, I couldn't do anything.
16
17

18 Trial Transcript, Volume V, P. 106, Line 3-11 (Att. #34.5)

19 Q. Okay. And you received an injury that day?

20 A. On the back of my head. Of course, you

21 Trial Transcript, Volume V, P. 108, Line 24-25 (Att. #34.6)

22 know, I'm in handcuffs; so I can't feel it, but I
23 can feel blood trickling.

24 A. They manhandled me pretty good. They
25 twisted this arm up pretty good (indicating). But I
26 don't remember. There was so much activity going
27 on. Things were flying by. So I don't remember
28 exactly how the back of the head got hurt, but I was
hurting all over. I had a black eye and --

Q. Okay.

A. -- several bruises all over my body after a
couple days.

The appellate “opinion” discussed when Randall-Keith:Beane went to bed (P. 3, ¶ 3), and “...motor home that had two bathrooms, marble floors, and a fireplace.” (P. 3, ¶ 4) It almost reads like a for sale listing. We guess perpetrator and conspirator Jeffrey Sutton believed these were crucial pieces of information one needs to read in an appeals court opinion, but it really shows he was in on the conspiracy. All the problems with this case and this is what he focuses on in his opinion.

The appellate “opinion” regurgitates perpetrator and conspirator Parker Still’s testimony about Mrs. Tucci:Jarraf “planning military operations” to remove Mr. Beane from the detention center. (Appellate Opinion, P. 4, ¶ 2) This was a prejudicial comment perpetrator and conspirator Parker Still intentionally made before the grand jury to infer that Mrs. Tucci:Jarraf was a criminal planning a jail break. There is no evidence in the record of a military operation jail break (intent or otherwise). Perpetrator and coconspirator Jeffrey Sutton picked up that statement and put it in his appellate opinion as though it were factual evidence. Perpetrator and conspirator Parker Still intentionally misled the grand jury for the purpose of securing an indictment. The goal was to make the grand jury believe Mrs. Tucci:Jarraf had criminal intent.

1 Perpetrator and conspirator Parker Still never explained how Mrs.
2 Tucci:Jarraf would manage to pull off a military operation to remove Mr. Beane
3 from the Knoxville county detention center given she was not in the military or
4 defense department. On the other hand, perpetrator and conspirator Parker Still
5 was in the military – army JAG – so he knows if a civilian could command Special
6 Forces to do a military operation jail break in Knoxville, Tennessee.

7 Also a graduate of the Army JAG School in
8 Charlottesville, Virginia.

9 Parker Still Testimony, Grand Jury Transcript, P. 2, Line 23-24

10 Q Okay. I just wanted to clarify in your statement
11 about being a private attorney and military JAG for seven and a
12 half years, how much of that seven and a half years was private
attorney and how much of it was military JAG?

13 A Fair question. Yes, ma'am. So the great thing about
14 like where I was, the National Guard, you could do both. I was

15 Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial Transcript, Volume I, P. 39,
16 Line 16-21
17
18

19 Perpetrator and conspirator Jeffrey Sutton understands how the military
20 works so he knew the “military operations” speculation was intended to be
21 prejudicial and yet he zoomed right in on it as if the military operation jail break
22 had even a scintilla of truth or credibility. Here’s Sutton repeating it:

1 provided officers with Tucci-Jarraf's phone number and requested that they contact her. On the
2 phone, Tucci-Jarraf claimed that she was "planning military operations." R. 162 at 37. Officers
3

4 United States Court of Appeals, Sixth Circuit, Sutton, Cook, and Thapar Circuit
5 Judges Opinion, P. 4 ¶ 2

6 Perpetrator and coconspirator Jeffrey Sutton did not have to focus on the
7 motorhome marble floors or "military operations." There are plenty of legal issues
8 he could have looked at if he was in pursuit of justice and the law.

9 Perpetrator and coconspirator Jeffrey Sutton could have talked about the real
10 problems with the case like subject matter and personal jurisdiction, the use of a
11 statewide South Carolina misdemeanor traffic related arrest warrant disposed of
12 two years earlier, the Tennessee arrest warrants not signed by the clerk, no
13 probable cause hearing, denial of a detention hearing, denial of due process and
14 overall abuse of law and the legal process. (Att. #22) Instead he was petty talking
15 about nonexistent military operations and marble floors as if he would have felt
16 better had the floors been linoleum.

17 In his appellate opinion, perpetrator and conspirator Jeffrey Sutton also said
18 Mrs. Tucci:Jarraf "...prepared pseudo-legal documents on his behalf," (P. 3, ¶ 5—
19 referring to Heather-Ann:Tucci:Jarraf's assistance in creating the Randall Keith
20 Beane Factualized Trust) and "She also produced several faux-legal documents
21 ..." (P. 2, ¶ 4—referring to Heather-Ann:Tucci:Jarraf) What exactly is a pseudo or

1 faux legal document? Any document he/she drafted and signed for lawful
2 purposes is a lawful document. It does not have to be written by a BAR attorney
3 (attorney-at-law/officer of the court) to be a lawful or legal document. People
4 write their own trusts, contracts and other legal documents sometimes with the
5 assistance of a friend or family member.

6 Perpetrator and conspirator Jeffrey Sutton said “pseudo” and “faux” legal
7 documents because he knows the FBI and Sheriff Deputy perpetrators and
8 coconspirators unlawfully entered and stole a private property motorhome, without
9 consent or a search and seizure warrant, owned by a trust – not the man. He
10 wanted to delegitimize the lawful and legal trust documents to justify the theft of
11 private property. The Randall Keith Beane Factualized Trust is not the man and it
12 (the trust) should not have been subjected to search and seizure without a warrant
13 either.

14 The appellate “opinion” is the work of conspiracy participants in furtherance
15 of the continued false imprisonment of Randall-Keith:Beane and Heather-
16 Ann:Tucci:Jarraf.

17 **XXVI) Misprison of Treason (Att. #43)**
18

19 Heather-Ann:Tucci:Jarraf’s “expertise are Universal Commerce, Strategies
20 and Tactics, I-Tech, with Banking, Trade, Finance, Accounting, Law, and

Corruption.” (Praeipce, Declaration of Due Cause, and Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 3, Paragraph A)

In her UCC filings, Heather-Ann:Tucci:Jarraf pointed out that unlawful and illegal private money systems were operating slavery systems against the American people without their knowing, willing, and intentional consent. She identified the Rothschild Trust, The Federal Reserve Banks, the Federal Reserve System at Bank of New York, the Bank for International Settlements, IMF, World Bank, Unite States Treasury Corporation, etc.

<https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx>

Delaware.gov Governor | General Assembly | Courts | Elected Officials | State Agencies

Department of State: Division of Corporations Allowable Characters

HOME About Agency Secretary's Letter Newsroom Frequent Questions Related Links Contact Us Office Location	Entity Details
SERVICES Pay Taxes File UCC's Delaware Laws Online Name Reservation Entity Search Status Validate Certificate Customer Service Survey	THIS IS NOT A STATEMENT OF GOOD STANDING
INFORMATION Corporate Forms Corporate Fees UCC Forms and Fees	Entity Information File Number: 2221617 Incorporation Date / 2/8/1990 Formation Date: (mm/dd/yyyy) Entity Name: UNITED STATES TREASURY / U.S. TREASURY, INC. Entity Kind: Corporation Entity Type: General Residency: Domestic State: DELAWARE REGISTERED AGENT INFORMATION Name: HARVARD BUSINESS SERVICES, INC. Address: 16192 COASTAL HWY

1 Mrs.Tucci:Jarraf pointed out congress abandoned the performance of their
2 duties and obligations to the people to give aid and comfort to America's enemies
3 implementing policies beneficial to the foreign private systems and serving and
4 protecting these private systems while relinquishing their 5th task (of 18) to coin
5 money and regulate the value thereof.

6 In court document 98, Heather-Ann:Tucci:Jarraf stated the following:

7 "D. Prior to June 22, 2017, I was duly noticed and made aware of escalating,
8 unlawful, and illegal threats of foreign action by known foreign actors against
9 POTUS (President Trump), that included, but is not limited to, data that these
10 known foreign actors intended to remove POTUS from office by any means
11 necessary, if their current means failed." (Praecipe, Declaration of Due Cause, and
12 Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 3, Paragraph D)

13 Heather-Ann:Tucci:Jarraf appears to be saying two things here: (1) A coup
14 to remove the duly elected president was in the works by foreign actors and
15 infiltrators, and (2) An assassination plot was underway.

16 "F. On June 22, 2017, I did receive data that said known foreign actors were
17 becoming even more agitated, frustrated, and completely angered by their lack of
18 being able to fund operations, their foreign agents' inability to read, predict, and
19 control POTUS, and his actions, and their suspicion that POTUS was receiving
20 Universal support. My years of experience with the foreign actors, coupled with

1 the data, and the foreign actors' escalating patterns of rhetoric, funding
2 consolidation, and actions, confirmed to me that their threat against POTUS would
3 100% escalate to "imminent/instant." (Praeipie, Declaration of Due Cause, and
4 Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 4, Paragraph F)

5 Heather-Ann:Tucci:Jarraf told the following individuals that the threat
6 against our president would 100% escalate to an assassination attempt:

- 7 • Debra C. Poplin, Clerk of Court – Eastern District of Tennessee
- 8 • Thomas A. Varlan, Chief District Judge – Eastern District of Tennessee
- 9 • C. Clifford Shirley, Magistrate Judge – Eastern District of Tennessee
- 10 • James Douglas Overbey, United States Attorney – Knoxville, TN
- 11 • Cynthia F. Davidson, Assistant United States Attorney – Knoxville, TN
- 12 • Ann-Marie Svolto, Assistant United States Attorney – Knoxville, TN

13 The appellate court reviewed the case file and read this document so the
14 following individuals also knew about the threat and other treason:

- 15 • Jeffrey Sutton, Circuit Judge, United States Court of Appeals for the Sixth
16 Circuit
- 17 • Deborah L. Cook, Senior Circuit Judge, United States Court of Appeals for
18 the Sixth Circuit
- 19 • Amul Thaper, Circuit Judge, United States Court of Appeals for the Sixth
20 Circuit

21 Did any of them investigate or report Heather-Ann:Tucci:Jarraf's UCC filing
22 allegations or court document 98 allegations in which she warns of a plot to
23 overthrow the United States government? In his order to the "governments"
24 Motion in Limine to prohibit jurisdictional argument, perpetrator and conspirator

1 Thomas A. Varlan said -- "This case concerns the alleged crimes of the defendants,
2 not others." (Memorandum Opinion and Order to the Government's Motion in
3 Limine to Prohibit Jurisdictional Argument, Doc. 90, P.7, Last paragraph) They
4 each abandoned their oath.

5 There's no doubt they each violated 18 U.S. Code § 2382 - Misprision of
6 treason (Att. #43) -- "Whoever, owing allegiance to the United States and having
7 knowledge of the commission of any treason against them, conceals and does
8 not, as soon as may be, disclose and make known the same to the President or to
9 some judge of the United States, or to the governor or to some judge or justice of a
10 particular State, is guilty of misprision of treason and shall be fined under this
11 title or imprisoned not more than seven years, or both.

12 If you don't see fit to protect this country and our president you are a
13 TRAITOR deserving of a traitor's justice!

14 Heather-Ann:Tucci:Jarraf continues document 98 by stating the following:
15 "H. On, or about July 3, 2017, I arrived in Houston, Texas. After my arrival, I
16 received notice of the details of a strategic operation by foreign actors to steal
17 money from the US Treasury Direct Depository Accounts (commonly referred to
18 now as "TDA's") using the people in America." (Praeipie, Declaration of Due
19 Cause, and Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 4, Paragraph
20 H)

1 “J. On, or about, July 10, 2017, I was made aware that the foreign actors
2 threatening POTUS, had realized they were loosing [sic] control of their strategic
3 operation, and directed their foreign agents to ascertain the “bait,” that was in
4 the form of an “officially” retired military man, Randall Keith Beane, and
5 Heather Ann Tucci:Jarraf, whom the foreign actors are familiar with from the
6 Universal cleanup operations. The foreign actors did **abandon typical protocols**
7 **and procedures**, and did directly order foreign agents to quickly organize
8 unlawful and illegal actions, in order to not loose further control of their own
9 strategic operation initiated July 1, 2017, its exposure, and to grab the “bait,” so
10 that their foreign agents in Tennessee would have, and manage, jurisdiction and
11 control over the matter thereafter.” (Praeipce, Declaration of Due Cause, and
12 Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 5, Paragraph J)

13 The foreign agents absolutely abandoned typical protocols and procedures.
14 In their desperation and haste to get Randall-Keith:Beane and Heather-
15 Ann:Tucci:Jarraf, they completely skipped due process and the investigation part
16 of the process. They used a statewide South Carolina misdemeanor traffic related
17 bench warrant that had been disposed of July 17, 2015 to arrest Randall-
18 Keith:Beane the first time – July 11, 2017. They created Tennessee district court
19 fraudulent fictitious signed arrest warrants (not signed by the clerk) to arrest
20 Heather-Ann:Tucci:Jarraf and re-arrest Randall-Keith:Beane. They forced

1 Randall-Keith:Beane to sign a detention hearing waiver because they knew they
2 did not have lawful authority to detain him. They skipped the probable cause
3 hearing because there was no probable cause. There was no first-hand statement of
4 personal knowledge to create probable cause. USAA Bank was behind the curtain
5 stirring the pot, but they wouldn't step forward to make a legal or lawful complaint
6 against Randall-Keith:Beane because they couldn't. The FBI instigated the false
7 imprisonment of Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf based on
8 telephone conversations and an email perpetrator and coconspirator Parker Still
9 received from former FBI comrade perpetrator and coconspirator True Brown of
10 USAA Bank. (Att. #62.2)

11 The perpetrators and conspirators moved swiftly engaging in unlawful acts
12 such as aggravated assault and battery upon Mr. Beane and Mrs. Tucci:Jarraf,
13 including arrest, handcuffing, imprisonment, physically searched, forced
14 fingerprinting and booking procedures, and harassment all done without force of
15 law. .

16 In paragraphs "H" and "J" (Praecipe, Declaration of Due Cause, and
17 Judgment and Order of Dismissal, Doc. 98, 01/22/18) Heather-Ann:Tucci:Jarraf
18 makes it clear foreign actors are targeting the country and President Trump.

19 Heather-Ann:Tucci:Jarraf warned of the legal fraud perpetrated on all
20 Americans. The "money" the banks issue is merely bookkeeping entries. It cost

1 them nothing and is not backed by their wealth, efforts, property, or risk. It is not
2 redeemable except in more debt paper. The Federal Reserve Act forced Americans
3 to pay compound interest on thin air and use worthless “notes” **backed by their**
4 **own credit**. The FBI, US Attorneys, and district court judges were all made aware
5 of the criminal conduct.

6 Perpetrators and coconspirators are in violation of their oath to uphold the
7 Constitution for the United States and that makes them guilty of treason.

8 **XXVII)** Bonding/Liability Information

9 Perpetrators and coconspirators have not provided their bonding information
10 to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. We are fairly sure their
11 bond was written in accordance with the uniform bonding code and requires:

- 12 a. Obey the Constitution of the United States and the state where you are
13 employed to ensure equal protection under the laws.
14
- 15 b. Do not act in **conspiracy** to interfere with due process of law.
16
- 17 c. Do not fail to accept a complaint from an American about an official.
18
- 19 d. Do not refuse to prosecute a complaint regardless who the complaint is
20 against.
21
- 22 e. Do not resort to “selective prosecution,” or false or malicious prosecution of
23 an American in order to punish or destroy an American.
24
- 25 f. Do not fail to protect due process and equal protection laws of every
26 American.
27

g. Do not fail to protect the legal process for all parties without exception. (42 USC 1986)

h. Ensure the setting of the case is proper, the parties to the action are all truthfully stated, and all civil and criminal elements are clearly identified and segregated into their own jurisdictional categories.

i. A criminal case brought in behalf of the peace and dignity of the state:

A) has been brought ex rel accusers, that is, “on the telling or relation/story of the accuser” with the accusation being related to the prosecuting attorney by the accuser,

B) has named the accuser in the setting of the case, and

C) contains signed and notarized affidavit of the accuser in the body of the complaint. Otherwise, the state would become the plaintiff/accuser, the case would become federal, and the bonding company would become potentially liable for an agent’s false accusation and false imprisonment of a party to the case.

Please forward this complaint to the bonding/liability company of the respective perpetrators and conspirators.

XXVIII) Rules of Professional Conduct

It would probably be easier to ask if there is a rule the perpetrators and coconspirators didn’t violate.

RULE 8: RULES OF PROFESSIONAL CONDUCT RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

(a) shall refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(c) shall not advise an unrepresented accused to waive important pretrial rights;

1 [1] A prosecutor has the responsibility of a minister of justice whose duty is
2 to seek justice rather than merely to advocate for the State's victory at any given
3 cost. *See State v. Superior Oil, Inc.*, 875 S.W.2d 658, 661 (Tenn. 1994)

4 Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto
5 acted more like ministers of sin – not ministers of justice or the law. Only
6 ministers of Satan would do something as diabolical as snatch an innocent man and
7 woman out of their life, away from their family—their young children—their
8 spouse or significant other—their friends—and fabricate a fraud and money
9 laundering charge to falsely imprison them for years for financial benefit and to
10 hide the theft of \$31,000,494.97. Justice and the law never made an appearance in
11 their conspiracy. They were not advocating for justice and the law or for the
12 American people in this case.

13 **XXIX)** Remedy and Conclusion

14 **Remedy** (1-8)

- 15 1. Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf must be
16 immediately released from false imprisonment.
17
- 18 2. Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf 's file must be
19 expunged.
20
- 21 3. Issue Randall-Keith:Beane a new social security number because the
22 perpetrators and conspirators have his social security number plastered all
23 over their documents which are all over the internet.
24

1 4. Investigate the perpetrators and conspirators and immediately remove
2 them from their position of emolument to protect the American people.
3 Prosecute them for violations. Revoke the perpetrators and conspirators'
4 pension and other benefits. They should not be allowed to retire on the
5 backs of the American people they attacked and violated through their
6 position of emolument and unlawful conduct.

7
8 5. Appoint a committee of Constitutional Patriots to volunteer to serve
9 their country and fellow-Americans and review all the case files handled by,
10 or which involved, the perpetrators and conspirators to determine if there
11 was fraud or other violations. No one should be content to leave innocent
12 Americans imprisoned as a result of investigative, prosecutorial, and judicial
13 illegal and unlawful activity.

14
15 6. Investigate every member of the grand jury and trial jury to determine
16 how they reached an indictment and guilty verdict in a case riddled with FBI
17 and US Attorney fraud, and in which there clearly was no jurisdiction. Were
18 they bribed? Were they threatened?

19
20 7. In Trezevant v. City of Tampa (Attachment #60.1, #60.2, and #60.3)
21 Mr. Trezevant found himself behind bars due to a traffic citation. The jailer
22 took Mr. Trezevant's valuables and his belt and shoes and placed Mr.
23 Trezevant in a holding cell until he could be processed. Mr. Trezevant was
24 in the holding cell for a total of twenty-three minutes. Mr. Trezevant sued
25 and the jury returned a verdict of \$25,000 in favor of Mr. Trezevant for
26 being falsely imprisoned for twenty-three minutes. That's \$1,086.96 per
27 minute for each minute of freedom and liberty unlawfully taken from Mr.
28 Trezevant. The Fifth circuit found the verdict was not excessive and
29 affirmed the judgment. The ruling has not been appealed. (Att. #60.3)

30 By our calculation, from July 11, 2017 through February 28, 2021 Mr.
31 Beane has been falsely imprisoned for approximately 1,928,160 minutes. Using
32 the formula the Trezevant jury used that would be an award of approximately
33 \$2,095,832,793.00. Sounds like a lot of money, right? Would you give up your

1 freedom and liberty for \$2 billion dollars? We wouldn't. Without freedom and
2 liberty there is no life.

3 The 1,928,160 minutes were unlawfully stolen from Randall-Keith:Beane
4 and a few less minutes stolen from Heather-Ann:Tucci:Jarraf. They can NEVER
5 get that time back – time they could have spent with their loved ones – with young
6 children – spouse/significant other – friends – pursuing dreams – or just LIVING
7 LIFE! They suffered the loss of their freedom and liberty because the perpetrators
8 and conspirators framed them to hide the theft of \$31,000,494.97.

9 Ask the perpetrators and coconspirators how much time they're willing to do
10 in prison away from their loved ones. They likely wouldn't want to spend one
11 minute in prison and they actually committed felony crimes against Mr. Beane and
12 Mrs. Tucci:Jarraf. They all had a hand in the felony kidnapping and fabricated
13 fraud charges either directly or as an accessory. (Att. #44)

14 On July 13, 2017 Magistrate Rowe of the Tennessee general sessions court
15 ordered the sheriff to release Randall-Keith:Beane on recognizance (ROR).
16 Magistrate Rowe also emailed the DA to cancel the instrument. (Trial Transcript,
17 Volume VII, P. 24, Line 13-25) Unbelievably, they did not release Mr. Beane.
18 The Knoxville sheriff conspired with the FBI in an arrangement to hold Mr. Beane
19 while the FBI worked to illegally maneuver an indictment (July 18, 2017) and
20 district court issued arrest warrants (July 19, 2017) so that they could arrest
21 Heather-Ann:Tucci:Jarraf and re-arrest Randall-Keith:Beane to put them both in
22 the federal system. The harm they caused Randall-Keith:Beane and Heather-
23 Ann:Tucci:Jarraf was KNOWING, INTENTIONAL, PURPOSEFUL, and
24 DETERMINED.

25 The perpetrators and conspirators conduct was sinister, wrongful, injurious,
26 unjust, reckless, unlawful, and a conspiracy to deprive rights. It's despicable!
27 Correcting the damage they've done must begin with immediately releasing
28 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf from unlawful imprisonment.

29 8. Given the United States is a Christian Nation Under God (Att. #79),
30 with founding documents based upon the principles in the Bible and the Ten
31 Commandments, a more meaningful remedy than the Trezevant formula
32 would be Exodus 21:23-25:

- 1 (1) ²³ And if any mischief follow, then thou shalt give life for life,
2 (2) ²⁴ Eye for eye, tooth for tooth, hand for hand, foot for foot,
3 (3) ²⁵ Burning for burning, wound for wound, stripe for stripe.

4 The perpetrators and conspirators plotted, falsely imprisoned, and sentenced
5 Randall-Keith:Beane to 155 months (12.9 years) in prison and Heather-
6 Ann:Tucci:Jarraf to 57 months (4.75 years) in prison so accordingly:

- 7 (a) Each perpetrator and conspirator must receive 155 months + 57 months =
8 212 months (17.7 years) prison sentence.
9 (b) Each perpetrator and conspirator must pay Randall-Keith:Beane a “personal
10 money judgment” of \$553,749.99.
11 (c) Each perpetrator and conspirator must pay Randall-Keith:Beane “criminal
12 monetary penalties” of \$511,289.02 immediately in a lump sum.
13 (d) Each perpetrator and conspirator must pay Randall-Keith:Beane
14 “Restitution” of \$510,589.02.
15 (e) Each perpetrator and conspirator must pay Randall-Keith:Beane for the
16 Randall Keith Beane Factualized Trust (of which he is the trustee) stolen
17 private property motorhome \$503,110.68
18 (f) Each perpetrator and conspirator must be required to work in prison for
19 \$0.06 cents per hour and send \$25.00 per quarter to Randall-Keith:Beane.
20 (g) Each perpetrator and conspirator must be held responsible for and therefore
21 must return the \$31,000,494.97 they unlawfully seized (stole) from Randall-
22 Keith:Beane’s USAA bank account.
23 (h) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
24 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
25 receive a beat-down until their body is covered in bruises and sore.
26 (i) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
27 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
28 receive a black eye and twisted arm.
29 (j) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
30 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
31 be strangled to near death.

1 (k) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
2 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
3 suffer a dog growling at their head wanting to bite them.

4 (l) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
5 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
6 stand in public view in their underwear or panty handcuffed for 45 minutes
7 to an hour in the burning hot sun.

8 (m) Each perpetrator and conspirator must make Heather-Ann:Tucci:Jarraf
9 whole for all that she has suffered and lost. If it is easiest to calculate using
10 the Trezevant formula of \$1,086.96 per minute for each minute she has been
11 unlawfully detained and falsely imprisoned then use that formula. You'll
12 never make Mrs. Tucci:Jarraf and Mr. Beane whole but you must try.

13 Do to the perpetrators and conspirators what they did to Randall-
14 Keith:Beane and Heather-Ann:Tucci:Jarraf. **Does (h), (i), (j), (k), and (l) sound**
15 **crazy to you? If so just remember that's what they did to Mr. Beane – FOR**
16 **NO GOOD REASON!**

17 Violation of 18 U.S. Code § 241, Conspiracy against rights and 18 U.S.
18 Code § 242, Deprivation of rights under color of law both allow the following:

19 "...if such acts include kidnapping...imprisoned for any term of years or for life,
20 or both, or may be sentenced to death." The line "may be sentenced to death" is
21 in sections 241 and 242 to reflect the serious nature of kidnapping and unlawful
22 theft of liberty, freedom, private property and rights. If you don't want to charge
23 the perpetrators and conspirators with violation of §§ 241 and 242 you must stop
24 charging Americans with violation of the US Code. Release from prison everyone
25 who was convicted and imprisoned under the US Code.

26 "Any deprivation by one person of the liberty of another without his consent,
27 constitutes an imprisonment, and if this is done unlawfully, it is false
28 imprisonment, without regard to whether it is done with or without probable
29 cause." (Mahan v. Adam, 144 Md. 355, 124 Atl. 901, 905 (1924). **Where the**
30 **life, liberty or property of an American is at stake, good intentions are never**
31 **good enough.** It has been stated that an American's liberty must not depend upon

1 good faith merely, but upon legal rules governing official action. (Hill v.
2 Wyrosdick, 216 Ala. 235, 113 So. 49,50 (1927).

3 **Conclusion**

4 The bottom line is the district court did not have subject matter jurisdiction
5 or personal jurisdiction and for the court to proceed with trial and make a judgment
6 and sentence after the jurisdictional challenge was made is clear usurpation and
7 treason. (Att. #45)

8 There's little doubt Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were
9 victimized by a crime ring. Randall-Keith:Beane suffered bodily injury, including
10 a bleeding cut to the head, at the hands of those who unlawfully arrested him.
11 They strangled Mr. Beane until he cried out "I can't breathe" and you certainly
12 can't call that anything less than attempted murder. They felony kidnapped
13 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. They all knew what they
14 were doing was wrong and against the law but they did it anyway. They intended
15 to engage in unlawful conduct because it was a plot and conspiracy to hide the
16 theft of \$31,000,494.97. There was no mistake or misperception about it. They
17 framed Mr. Beane and Mrs. Tucci-Jarraf for a crime they made up to hide the theft
18 of \$31,000,494.97 and to punish Mrs. Tucci-Jarraf for her UCC filings.

19 Perpetrators and conspirators Thomas A. Varlan and C. Clifford Shirley
20 lacked jurisdiction of the subject matter and the parties from the beginning. All of
21 the judgments, including the judgment entered by the court, are VOID and

1 INVALID because the court lacked the power to enter the judgments and orders.
2 Perpetrator and conspirator Thomas A. Varlan entered the judgment without
3 jurisdiction to enter the judgment. The case brought against Randall-Keith:Beane
4 and Heather-Ann:Tucci:Jarraf is the product of fraud by the perpetrators and
5 conspirators. The judgments and orders are a complete nullity from inception and
6 they are without any legal effect. The court handled this case in a manner
7 inconsistent with due process. The court lacked jurisdiction and authority to order
8 any judgment and they knew it. "A judgment may not be rendered in violation of
9 constitutional protections. The validity of a judgment may be affected by a failure
10 to give the constitutionally required due process." (Earle v. McVeigh, 91 US 503,
11 23 L Ed 398. See also Restatements, Judgments ' 4(b). Prather v Loyd, 86 Idaho
12 45, 382 P2d 910.) "An order that exceeds the jurisdiction of the court is void..."
13 (Rose v. Himely (1808) 4 Cranch 241, 2 L ed 608) "When a judge knows that he
14 lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving
15 him of jurisdiction, judicial immunity is lost." (*Rankin v. Howard*, (1980) 633
16 F.2d 844)

17 Some of the perpetrators and conspirators were in on the conspiracy from
18 the beginning and devised the plot to steal \$31,000,494.97 from Randall-
19 Keith:Beane and imprison Mr. Beane and Mrs. Tucci:Jarraf. Other perpetrators
20 and conspirators joined in later. Given the FBI and US Attorney launched the

1 fabricated case and did not have jurisdiction - nobody had jurisdiction. They all
2 knowingly and intentionally trespassed the law.

3 Knoxville County Sheriff Deputies knowingly and intentionally trespassed
4 the law.

5 United States District Court for the Eastern District of Tennessee judges
6 Thomas A Varlan and C. Clifford Shirley, Jr. knowingly and intentionally
7 trespassed the law.

8 United States Court of Appeals for the Sixth Circuit judges Jeffrey Sutton,
9 Deborah L. Cook, and Amul Thaper knowingly and intentionally trespassed the
10 law.

11 Other participants in the conspiracy include Tennessee district court clerk
12 Debra C. Poplin, John Medearis, court appointed counsel, FBI expert witness
13 Zach Scrima, Sean O'Malley, Stephen G. McGrath, Bobby Hutson, Jr., True
14 Brown, USAA Bank executive team, sheriff deputies, Stephen Louis Braga and
15 others all knowingly and intentionally trespassed the law.

16 Jurisdiction was never had but it certainly would have been lost the moment
17 the perpetrators and coconspirators used a South Carolina statewide misdemeanor
18 traffic related bench warrant that had been disposed of two years earlier, created
19 fraudulent Tennessee district court arrest warrants not signed by the clerk (Debra

1 C. Poplin), and used an indictment that was secured through fraud and the
2 testimony of the one and only witness, a FBI agent, who did not have jurisdiction.

3 Those responsible for the legal process know if you don't have jurisdiction
4 you don't have power or authority. The district judges didn't have jurisdiction for
5 all the reasons stated and the appellate court did not have jurisdiction either.

6 They all denied Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf due
7 process. All orders are void and Randall-Keith:Beane and Heather-
8 Ann:Tucci:Jarraf must immediately be released from prison. Let's again go
9 through some of the problems with this case:

10 a. There are two ways for a federal court to gain subject-matter
11 jurisdiction. US Attorney and District Court judge perpetrators and
12 conspirators assert 18 U.S. Code §3231 gave them jurisdiction. Section
13 3231 is not one of the two ways a federal court gains subject-matter
14 jurisdiction. (Att. #6) Section 3231 states "of all offenses against the laws
15 of the United States." (Att. #24) There was no charge Mr. Beane or Mrs.
16 Tucci:Jarraf committed an "offense" "against the laws" of the United States.
17 It is not possible to commit an offense or a crime or a misdemeanor against a
18 "law." One can breach the law or violate the law, but one cannot commit an
19 offense against the law. Section 3231 is intentionally vague.

1 b. During the appeals process, the following perpetrators and
2 conspirators knew they did not have jurisdiction:

- 3 1) Jeffrey Sutton, Circuit Judge, United States Court of Appeals for the Sixth
4 Circuit
5 2) Deborah L. Cook, Senior Circuit Judge, United States Court of Appeals for
6 the Sixth Circuit
7 3) Amul Thaper, Circuit Judge, US Court of Appeals for the 6th Circuit
8 4) United States Attorney James Douglas Overbey
9 5) Assistant United States Attorney Cynthia F. Davidson, Esquire
10 6) Assistant United States Attorney Anne-Marie Svolto, Esquire
11

12 In his appellate brief for Randall-Keith:Beane, Stephen Louis Braga said the
13 district court had jurisdiction pursuant to 28 U.S.C. § 1331 (Att. #75.2) which is
14 one of the two ways for a federal court to gain subject matter jurisdiction (Att. #5
15 and #6), but they all know section 1331 pertains to civil actions – not criminal.

16 The appellate judges could have made things right by releasing Randall-
17 Keith:Beane and Heather-Ann:Tucci:Jarraf from prison at that point but they chose
18 not to because their illegal and unlawful actions were intentional. It was a
19 conspiracy.

20 c. The plaintiff was not the alleged victim – a bait and switch. The real
21 accuser, perpetrator and conspirator True Brown of USAA Bank and the
22 USAA Bank executive team, stepped forward after the conviction when it
23 was time to steal the private property motorhome. Perpetrator and
24 conspirator True Brown states his accusation against Mr. Beane in an e-mail,

1 (Att. #62.2), in which he asserts Mr. Beane used a social security number
2 “altered by one digit” to access his treasury direct deposit account. This e-
3 mail was delivered to Mrs. Tucci:Jarraf AFTER conviction. It was not
4 delivered to Mr. Beane. Mr. Beane and Mrs. Tucci:Jarraf were denied their
5 right to face their accusers – True Brown, Stuart Parker, Wayne Peacock,
6 Dan McNamara, Michael Merwarth, Torben Ostergaard, Dana Simmons,
7 and Laura Bishop of USAA Bank.

8 d. The perpetrators and coconspirators know that when there is an injury
9 sustained as the result of fraud the injured party would be entitled to be
10 compensated in a tort action for the loss or injury actually sustained. The
11 fraud case they fabricated did not have an injured party. They didn’t have an
12 injured party because there was no fraud committed by Mr. Beane or Mrs.
13 Tucci:Jarraf. The US Attorney perpetrators and conspirators didn’t use the
14 word “felony” or “felonious” because there was no felony or other type of
15 crime committed.

16 e. The FBI did not have jurisdiction according to 18 USC §3052. There
17 was no offense against the United States and no cognizable felony. Section
18 3052 gives power to serve warrants ISSUED UNDER THE AUTHORITY
19 OF THE UNITED STATES – not South Carolina. (Att. #15) Perpetrator
20 and conspirator Parker Still DID NOT have an arrest warrant issued under

1 the authority of the United States on July 11, 2017. Because the FBI
2 illegally and unlawfully arrested Mr. Beane none of the others relying on the
3 FBI could have jurisdiction.

4 f. Perpetrator and conspirator Parker Still used a South Carolina
5 statewide traffic related bench warrant that had been disposed of two years
6 earlier to arrest Mr. Beane on July 11, 2017.

7 g. Article I, Section 8 of the Constitution clearly specifies the 18 duties
8 congress is tasked with. Anything beyond those 18 duties is trespass of the
9 law.

10 h. Article III, Section 2 specifies judicial powers. Anything beyond that
11 is trespass of the law.

12 i. The United States District Court for the Eastern District of Tennessee
13 issued a fraudulent arrest warrant for Randall-Keith:Beane and Heather-
14 Ann:Tucci:Jarraf. Neither arrest warrant was in compliance with U.S. Code
15 Rule 9 (Arrest Warrant or Summons on an Indictment -- The warrant must
16 conform to Rule 4(b)(1) except that **it must be signed by the clerk** – Debra
17 C. Poplin)

18 j. It was not an Article III court.

19 k. Perpetrator and conspirators Thomas A. Varlan and C. Clifford
20 Shirley were supposed to be running a court of record but it was not a court

1 of record in accordance with 28 U.S. Code § 132(a) Creation and
2 composition of district courts – “a district court shall be a court of record.”
3 (Att. #8) Our U.S. Constitution only authorizes “common law courts,” also
4 known as “courts of record” where the judge’s role is ministerial.

5 l. Perpetrator and conspirator Parker Still admitted to due process
6 violation when he testified under oath, “...that's some of TV stuff where we
7 serve people, put a warrant in their hands.” (Heather-Ann:Tucci:Jarraf
8 Cross Examination of Parker Still, Trial Transcript Vol. I, P. 69, Line 14-15)

9 m. Instead of doing a motion to dismiss for violation of due process Sua
10 Sponte, perpetrator and conspirator Thomas A. Varlan hushed Heather-
11 Ann:Tucci:Jarraf when she responded with shock to perpetrator and
12 coconspirator Parker Still’s flippant TV response to serving a warrant. Trial
13 transcript – “**THE COURT:** Let's not comment on the evidence. Let's go
14 ahead and ask the next question.” (Trial Transcript Volume I, P. 70, Line 7-
15 8). “It is the duty of the courts to be watchful for the Constitutional rights
16 of Americans and against any stealthy encroachment thereon.” (Boyd v.
17 United States, 116 U.S. 616, 635)

18 n. Perpetrator and conspirator Parker Still admitted under oath he didn’t
19 try to get a Tennessee district court arrest warrant. He wanted a seizure

1 warrant to steal the motorhome under the protection of the state, but he
2 didn't have a seizure warrant either on July 11, 2017. Trial transcript --

3 **Cynthia F. Davidson Re-direct Examination of Parker Still, Trial**
4 **Transcript Volume I, P. 80, Line 11-21**

5
6 Q What kind of warrant were you working on on the 11th?

7
8 A That was a seizure warrant, an affidavit of seizure warrant,
9 probable cause warrant to seize the motor home.

10
11 Q So you weren't working on an arrest warrant or complaint or
12 any other sort of arrest process for Mr. Beane at that time?

13
14 A No, ma'am. At the time, we were working, the way I recall it,
15 was on an actual seizure warrant. Because that's why I had been speaking
16 with Ms. Svolto who is the -- generally does the forfeiture work with the
17 U.S. Attorney's Office. That's the way I recall it."

18
19 o. There was no probable cause hearing. There was no first-hand
20 statement of personal knowledge of wrong doing.

21 p. Randall-Keth:Beane, under duress, signed a detention hearing waiver.
22 If there was lawful cause to detain him there would not have been a need to
23 force him to sign a waiver under threat of physical harm.

24 q. Perpetrator and coconspirator Parker Still admitted under oath they
25 did not follow due process and the US Attorney's office gave him the green
26 light to ignore due process and carry on with his South Carolina statewide
27 misdemeanor traffic related bench warrant that they knew had been disposed
28 of two years earlier.

1 Trial excerpt:

2
3 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
4 **Transcript Volume I, P. 57, Line 15-23**
5

6 Q My question is, just what is your general understanding -- because
7 were you the one that made the call to go and arrest -- well, to arrest, we'll
8 just say at this point, to arrest Randall Beane and seize the vehicle? Were
9 you the one that made that call?

10
11 A You know, I think we -- **I spoke to the U.S. Attorney's Office to let**
12 **them know what we were on the way to do, yes, ma'am. I -- so I guess,**
13 **yeah, I did. I was letting know the U.S. Attorney's Office.**"
14

15 r. Perpetrator and coconspirator Parker Still admitted under oath they
16 committed aggravated assault causing bodily injury against Randall-
17 Keith:Beane. Trial transcript -- "He was -- he did, as you said, **he obtained**
18 **a cut on his head**. We had an EMT, Jason, who was at the scene, is an agent
19 who's also an EMT and he treated him immediately." (Heather-
20 Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript Volume
21 I, P. 74, Line 5-7)

22 s. Perpetrator and coconspirator Thomas A. Varlan did not allow the
23 opening statements and the closing statements to be transcribed and it's no
24 wonder. Perpetrator and coconspirator Anne-Marie Svolto accused Randall-
25 Keith:Beane of robbing a bank in her opening statement. God knows what
26 else she said to mislead and prejudice the jury that he didn't want transcribed
27 and easily reviewed. There was no robbery charge.

1 Trial excerpt:

2
3 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
4 **Transcript Volume I, P. 58, Line 6-7; 12**
5

6 Q “You're talking about, per Ms. Svolto's opening statement, that he was
7 robbing a bank?”
8

9 A Yes, ma'am.
10

11 t. Perpetrators and coconspirators knowingly and intentionally violated
12 the law and trespassed on private property. They did not have an arrest or
13 search and seizure warrant.

14 u. The FBI did not interview Randall-Keith:Beane.

15 v. The US Attorney did not interview Randall-Keith:Beane.

16 w. The US Attorney and district court judges did not hire a UCC expert
17 for a determination of the validity of Heather-Ann:Tucci:Jarraf's UCC
18 filings to help them make a legal determination regarding that aspect of the
19 jurisdiction challenge.

20 The Clerk, perpetrator and conspirator Debra Poplin, guardian of the
21 records, knew her signature wasn't on the Tennessee district court warrants issued
22 to arrest Mr. Beane and Mrs. Tucci:Jarraf. The US Attorneys and District Court
23 Judges knew the FBI used a South Carolina traffic related bench warrant that was
24 statewide and disposed of two years earlier as the predicate to arrest and detain Mr.

1 Beane from July 11, 2017 until July 27, 2017 (17 Days) until they could serve Mr.
2 Beane with the fraudulent Tennessee district court arrest warrant at the Knoxville
3 county jail where Mr. Beane was being unlawfully held by the sheriff.

4 The appellate judges clearly had eyes only for the fake and the petty, but not
5 anything pertaining to their job – justice and the rule of law. They took note of
6 perpetrator and conspirator Parker Still’s testimony - “She (referring to Mrs.
7 Tucci:Jarraf) said that she could not speak with us – or she spoke briefly with us
8 and told us that she could no longer talk due to planning military operations,
9 something to that effect. **We have subsequently learned that possibly, again,**
10 **speculating, that that comment meant, “Military Operations,” to try to**
11 **remove Mr. Beane from the Knox County Detention Center.** That’s what,
12 **again, what I deduct.”** (Grand Jury Transcript, Page 56-57, line 21-25, 1-3)

13 Perpetrator and coconspirator Jeffrey Sutton regurgitated the “military
14 operations” foolishness in his opinion: “On the phone, Tucci:Jarraf claimed that
15 she was “planning military operations.” (Opinion – United States Court of
16 Appeals for the Sixth Circuit, P. 4, ¶ 2) Perpetrator and coconspirator Jeffrey
17 Sutton knew there was no factual evidence in the record of “planning military
18 operations” and yet he repeated it in his opinion as though it were a proven fact.

19 Perpetrator and coconspirator Anne-Marie Svolto lied to the jury and
20 accused Randall-Keith:Beane of being heavily in debt. Randall-Keith:Beane said

1 no, he was not heavily in debt. He was trying to manage his finances from his
2 illegal and unlawful incarceration. Perpetrator and coconspirator Jeffrey Sutton
3 decided to regurgitate Svolto's foolishness and add it to his appellate opinion as
4 though it were fact.

5 Trial transcript and appellate opinion:

6 Anne-Marie Svolto Cross Examination of Randall-Keith:Beane, Volume IV –
7 P. 180 – Line 12-14; 17; 22-24

8
9 Q All right. So in July, early July, you were heavily in debt, weren't
10 you?

11
12 A No.

13
14 A I was not heavily in debt, no.

15
16 A I was not defaulted. I was in jail for three weeks, and I wanted to
17 make sure that my bills stayed paid. I was looking in advance. I was not
18 behind.

19
20 Here comes perpetrator and coconspirator Jeffrey Sutton with his
21 melodramatic take on perpetrator and coconspirator Anne-Marie Svolto's "heavily
22 in debt" deception – SUTTON, Circuit Judge – "Faced with financial challenges
23 and rising unpaid bills, the individual has two legal options: shed the debts through
24 the humbling act of filing for bankruptcy or find a new source of assets." (Appeals
25 Court Opinion, P. 1, paragraph 1) Perpetrator and coconspirator Sutton most
26 certainly read the line where Mr. Beane said he was not heavily in debt so why

1 would he repeat perpetrator and conspirator Anne-Marie Svolto's lie in his
2 opinion? Conspirators of a plot flock together.

3 The appeals opinion speaks of when Randall-Keith:Beane went to bed and
4 woke, and "...motor home that had two bathrooms, marble floors, and a
5 fireplace." (Appellate court opinion – reference p. 3, paragraph 3, 4) Who cares
6 when Mr. Beane went to bed and woke, or the marble floors, two bathrooms and
7 fireplace in the motorhome? Who cares? Did they follow due process? Did they
8 have personal and subject matter jurisdiction? Did they have a plaintiff with
9 standing? Did they have valid lawful arrest and search and seizure warrants? Did
10 they have authority to detain Mr. Beane and Mrs. Tucci:Jarraf? Did they have an
11 accuser testify in court? These are the things they should care about but didn't.

12 There's little doubt the outcome for Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf was pre-determined. For this gang of criminals it was a matter of
14 doing what was necessary to reach the end goal of many years in prison for
15 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

16 If perpetrator and coconspirator Parker Still completed a sworn affidavit in
17 support of a criminal complaint he would likely have perjured himself. On July
18 11, 2017 Randall-Keith:Beane did not drive the motorhome he lawfully purchased
19 off the lot. What if he changed his mind about making the purchase that day and
20 planned to asked for a refund before he was ambushed? A shoplifter is not a

1 shoplifter until he/she leaves the store with the item. Mr. Beane never left the
2 dealer lot. What if he decided he didn't want that motorhome he wanted a
3 different one? What if he was sitting in the motorhome with the engine running to
4 run the air conditioning for a guest as he gave the motorhome one last look over
5 for whatever repairs Buddy Gregg said they made? What if Mr. Beane was
6 dissatisfied with the repairs and wanted a refund? He hadn't driven it off the lot so
7 he could have changed his mind, renegotiated the deal, or whatever. Perpetrator
8 and conspirator Anne-Marie Svolto knew it was a problem that Mr. Beane had not
9 driven the motor coach off the lot before the FBI and Sheriff deputy goons
10 physically assaulted and arrested him so she – in typical sly, cunning, deceitful
11 fashion – tried to get Jerald Byrne (Buddy Gregg Manager) to testify under oath
12 that Mr. Beane had taken it home (Att. #31.8):

13 **Trial Transcript Volume II, P. 191, Line 17-19**

14 Q So then after Mr. Beane came in and after he brought the motor coach home,
15 did you guys do any warranty work?

16
17 A It wasn't -- it was never brought home.

18 The perpetrators and conspirators accused Mr. Beane of stealing a
19 motorhome he was handed the keys (Att. #30.3), and he never brought home (Att.
20 #31.8).

21 The perpetrators and conspirators acted with full knowledge of the falsity of
22 the charges, claims, and assertions they made before the grand jury and trial jury.

1 They spoke of Mrs. Tucci:Jarraf planning a ‘military operation jailbreak’ to free
2 Mr. Beane knowing this was not true. They accused Mr. Beane of altering his
3 social security account number by one digit knowing this was not true. They
4 accused Mr. Beane of using a fictitious bank account knowing the transaction
5 would not have been successful if Mr. Beane had not used his correct information.
6 They accused Mrs. Tucci:Jarraf of not being a “licensed” attorney’ and therefore
7 practicing law without a license when they knew Mrs. Tucci:Jarraf made no
8 attempt to practice law before a court as a BAR attorney or attorney-at-law/officer
9 of the court. They knew Mrs. Tucci:Jarraf surrendered her BAR card and became
10 a lawyer/attorney doing legal work for anyone seeking her assistance whom she
11 chose to work with outside the courtroom. They accused Mr. Beane of having an
12 “outstanding” and “active” arrest warrant knowing South Carolina had disposed of
13 the traffic related misdemeanor bench warrant two years earlier. They accused Mr.
14 Beane of robbery and stealing a RV neither having been a charge in the case or
15 true.

16 The conspiracy was a plot and plan full of lies and un-truths deliberately
17 conveyed to the grand jury and trial jury. They had full knowledge of the falsity of
18 what they presented. Their intent was to hide the theft of \$31,000,494.97 by
19 depriving Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf of their freedom and

1 liberty by means of fraud. It was a full on conspiracy to deprive rights and false
2 imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf for many years.

3 The perpetrators and conspirators made up the rules as they went along. It
4 seems fairly clear perpetrator and coconspirator Chief United States District Judge
5 Thomas A. Varlan did not run an Article III court or a court of record. So what
6 kind of court was it? It was a trafficking kangaroo court.

7 The FBI, University of Tennessee Police Department, Knoxville County
8 Sheriff Deputies, US Attorneys, and others all acted with complete wantonness.
9 They didn't care one bit about the process due Mr. Randall-Keith:Beane. They
10 wanted to hurt him and hurt him bad. (Att. 34.6) They didn't care about
11 Tennessee's no trespass laws, federal criminal trespass laws, aggravated
12 assault/battery laws, search/seizure/arrest laws, or due process. They each flipped
13 the bird to the United States and Tennessee Constitutions. (Att. #22, #38, #39,
14 #47, #48, #49, #50, etc.)

15 The Perpetrators and conspirators decided they would teach Mr. Randall-
16 Keith:Beane a lesson to make sure he kept his mouth shut about the
17 \$31,000,494.97 they took from his USAA bank account. After they trespassed
18 onto private property without Mr. Beane's consent they proceeded to physically
19 assault and battery Mr. Beane. They beat him. The beating was bad enough to
20 cause bleeding from Mr. Beane's head and they had to bandage it to stop the

1 bleeding. But even in bandaging Mr. Beane's head they were vicious as they
2 wrapped Mr. Beane's head too tight likely to intentionally bring further pain and
3 discomfort to Mr. Beane.

4 Were the perpetrators and coconspirators working for the FBI and DOJ or
5 were they moonlighting for a private and/or foreign entity and given the mission to
6 convict Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf no matter what?

7 The aggravated assault and battery went **beyond excessive force**. They
8 wanted to hurt Mr. Beane. (Att. #34.6) They strangled Mr. Beane until he
9 screamed **"I can't breathe,"** and they elbowed him to the head until he
10 bled. They twisted Mr. Beane's arm. They gave Mr. Beane a black eye. They
11 put several bruises all over Mr. Beane's body. Mr. Beane was hurting all over
12 from the beating they gave him (Att. #34.7) – ALL WITHOUT CAUSE OR A
13 VALID WARRANT. The FBI, University of Tennessee Police Department, and
14 Knoxville County Sheriff deputies had no right to lay even a finger on Mr. Beane.
15 They had no arrest warrant. They had no search warrant. They had no seizure
16 warrant. They had no probable cause. They had no subpoenas. They had no
17 sworn complaint or affidavit. They had no accuser. They had nothing – zero, zip,
18 zilch, nada!

1 If you are willing to participate in a plot and conspiracy in which you lie
2 your way to an indictment and conviction of an innocent man and an innocent
3 woman you have **worked for, earned,** and must receive **a traitor's justice!**

4 Each and every perpetrator and conspirator has **worked for, earned,** and
5 should receive **a traitor's justice!** (See Att. #38, #39, #40, #41, #43, #44, #45,
6 #46, etc.)

7 It's clear no one reviewed this case after conviction. It's also clear there was
8 no FBI, DOJ, or district court supervision.

9 We know what kind of court it wasn't. We know it was not an Article III
10 court. We know it was not a court of record. The one thing it clearly appears to
11 have been is a kangaroo trafficking court. The rules were made up as the
12 perpetrators and coconspirators moved their conspiracy toward conviction.

13 **DEFINITION**

14 What is a KANGAROO COURT?

15
16 **“the name that is given to an unauthorized court that is set up without
17 legal power and authority that takes the law into its own hands.”**
18 (<https://thelawdictionary.org/kangaroo-court/>)

19 Keep in mind, as perpetrator and coconspirator Anne-Marie Svolto
20 questioned Randall-Keith:Beane about the South Carolina warrant she knew the
21 warrant was (1) disposed of two years earlier - 07/17/2015, and (2) It was a

1 statewide warrant. This is the likely reason she guided Randall-Keith:Beane to the
2 top of the warrant and the bottom of the warrant. She did not want anyone to look
3 at the middle of the warrant where it says: "To all and Singular the Sheriffs
4 Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:"
5 You don't see anything on that South Carolina bench warrant that would give the
6 FBI jurisdiction. That's what she was hiding in the middle of the warrant. Look at
7 the top, look at the bottom, but don't look in the middle.

8 It's extraordinary that perpetrator and coconspirator Anne-Marie Svolto
9 knew the South Carolina statewide misdemeanor traffic related bench warrant was
10 invalid and she continued with the conspiracy deception.

11 Trial excerpt:

12 **Anne-Marie Svolto Cross Examination of Randall-Keith:Beane, Trial**
13 **Transcript Volume IV, P 228-230, Line 22-25; 1-6; 15-20; 23-25; 1-22**

14
15 Q So you think there was no warrant for your arrest?

16
17 A Yes, ma'am.

18
19 Q I'd like to show you, the witness and defense only,
20 what's now been marked as -- oh, they're not in the system, but I'll have to put a
21 sticker on, excuse me. This will be Government Exhibit 165. Do you see that
22 document?

23 A Yes, I see that.

24
25 Q Okay. All right. So you see that there?

26
27 A Yes.

1 Q Can you read the top of that, please?

2
3 A "State of South Carolina, County of Jasper, Bench Warrant, failure to
4 appear, the State versus Randal Keith Beane."
5

6 Q All right. If we could scroll down to the bottom of the page, right
7 under the word "Witness." So can you read the date down there, please?
8

9 A April 17th, 2015.
10

11 Q So you would agree with me that this is a warrant. Correct?

12 A It appears to be.
13

14 Q All right. What's the name there on that warrant?
15

16 A "Randal Keith Beane."
17

18 Q All right. And so –
19

20 A It's a miscorrect spelling.
21

22 Q A miscorrect spelling. All right. And then it says "State of South
23 Carolina"?
24

25 A Yes.
26

27 Q "County of Jasper"?
28

29 A Correct.
30

31 Q All right. So you were told you had a warrant out for your arrest, and
32 your testimony just now is that there was no warrant for you?
33

34 A Correct.
35

36 Q All right. So this warrant, which, again, I'll refer to the date at the
37 bottom there, April 17, 2015.
38

39 A Correct.

1 Q You're saying that this warrant doesn't exist?

2
3 A It didn't until the 10th of July or -- it was -- actually, let me rephrase
4 it. It didn't until the 13th of July.

5
6 **Anne-Marie Svolto Cross Examination of Randall-Keith:Beane, Trial**
7 **Transcript Volume IV, P 233, Line 20-25**

8 Q All right. So is it still your position that this warrant that's now
9 Government Exhibit 165 did not exist back --

10
11 A It is, yes.

12
13 Q Okay. So is it your testimony that this warrant could never have been
14 confirmed?

15
16 A Yes.

17 There's no confusion or ambiguity here. Perpetrator and conspirator Anne-
18 Marie Svolto knew she was being deceitful and committing fraud. She knew that
19 South Carolina misdemeanor traffic related bench warrant was (1) statewide, and
20 (2) disposed of two years earlier, and yet she presented it to the jury and gallery as
21 if it were a valid warrant and a valid process.

22 Nothing the perpetrators and conspirators did was for the benefit of the
23 people. They did not have the legal authority to bring prosecution against Randall-
24 Keith:Beane and Heather-Ann:Tucci:Jarraf. They did not stay within their
25 mandate. They willfully exceeded their authority and exercised it with severity.
26 They conducted themselves like thugs with titles. They knowingly misrepresented

1 the truth. They knowingly concealed material facts to induce the juries to indict
2 and convict.

3 Who reviewed and approved the FBI's role and work in the case? Who
4 reviewed and approved the US Attorneys' work in the case? The prosecution
5 work was done in the name of Nancy Stallard Harr and James Douglas Overbey so
6 certainly they would have been aware of what was happening with a case brought
7 in their name. Who reviewed and approved the Knoxville sheriff deputy role and
8 work in the case?

9 On July 11, 2017 they didn't arrest Mr. Beane for some specified cause.
10 They simply arrested him, threw him in jail, and then set about to fabricate a fraud
11 case. They knowingly, intentionally, maliciously and recklessly misrepresented
12 Mr. Beane's social security account number knowing what they were telling the
13 grand jury and trial jury about "one digit altered" was not true. This lie was their
14 only path to the fake fraud charge.

15 The law on arrests as declared in Magna Carta states no one shall be arrested
16 or imprisoned except by the law of the land – the Constitution! This is the
17 common law made constitutional law by the due process clause.

18 Mr. Beane and Mrs. Tucci:Jarraf are the victims of despots who expressed
19 their will via corrupt legislative statutes, codes and judicial opinions regarded as
20 "evidence" of the law – not actual law.

1 The common law is meant to be restrictive upon those in government to
2 make them follow set procedures, and make it difficult to deprive the people of
3 their rights. In this case, safeguarding the rights of the innocent was never a
4 thought. It was a fabricated case from the beginning. It wasn't about due process
5 of law or the constitution or protecting rights. It was about depriving two
6 individuals of their God-given rights so the perpetrators and conspirators could
7 hide the theft of \$31,000,494.97. No one should be subject to an easy arrest but
8 that's exactly what happened to Randall-Keith:Beane and Heather-
9 Ann:Tucci:Jarraf.

10 The constitution is the law of the land and it was written to restrict the
11 actions of those in government. But it is daily being violated by judges,
12 prosecutors, legislators, and police on the take. Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf are the victims of official illegality. The perpetrators and
14 coconspirators fabricated a fraud and money laundering crime against Randall-
15 Keith:Beane and Heather-Ann:Tucci:Jarraf and falsely imprisoned them using the
16 power of the state.

17 We are not educated enough to know the adjective that truly describes the
18 horrific nature of the crimes these perpetrators and conspirators committed against
19 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The perpetrators and

1 conspirators, though they took an oath to uphold the Constitution, each revolted
2 against its authority.

3 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf must be immediately
4 released from their false imprisonment. They are victims of a conspiracy planned
5 among a group of Tennessee FBI, DOJ, Knox Sherriff deputies, judges, Texas
6 bankers, NY Federal Reserve Bank and other miscellaneous crooks. In this case
7 the criminals are running loose pretending to be decent respectable investigators,
8 prosecutors, judges, government officials, and bankers when in reality they're just
9 lawless CRIMINALS who've thus far evaded the law.

10 It is long past time they answer for the crimes they committed against
11 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. Mr. Beane and Mrs.
12 Tucci:Jarraf are copied on this complaint. Please contact them immediately.

13 Sincerely,
14 The Private Natural American People
15 S. Robinson, et al.
16
17

18 Copy to: (1) Randall-Keith:Beane
19 Reg. #52505-074
20 FCI Elkton
21 P.O. Box 10
22 Lisbon, Ohio (44432)
23 USPS Priority Mail #9505 5105 6958 1070 4621 03

24
25 (2) Heather-Ann:Tucci:Jarraf
26 Reg. #86748-007
27 FCI Dublin

1 5701 8th Street – Camp Parks
2 Dublin, California (94568)
3 USPS Priority Mail #9505 5105 6958 1070 4621 10

4 (3) Ms. Crawford
5

6 **XXX) Cases**
7

- 8 • **United States v. Throckmorton, 98 U.S. 61 (1878) (Att. #83.2, #83.3)**
9

10 “There is no question of the general doctrine that fraud vitiates the most solemn
11 contracts, documents, and even judgments.” “Fraud vitiates every thing...”

- 12 • **Hale v. Henkel, 201 U.S. 43 (1906)**
13

14 "that a compulsory production of a man's private papers to establish a criminal
15 charge against him, or to forfeit his property, is within the scope of the Fourth
16 Amendment to the Constitution, in all cases in which a search and seizure would
17 be," and that the order in question was an unreasonable search and seizure within
18 that amendment.
19

20 “...the compulsory extortion of a man's own testimony, or of his private papers, to
21 connect him with a crime of a forfeiture of his goods is illegal (p. 116 U. S. 634)
22

23 “He is entitled to carry on his private business in his own way. His power to
24 contract is unlimited. He owes no duty to the State or to his neighbors to divulge
25 his business, or to open his doors to an investigation, so far as it may tend to
26 criminate him. He owes no such duty to the State, since he receives nothing
27 therefrom beyond the protection of his life and property. His rights are such as
28 existed by the law of the land long antecedent to the organization of the State, and
29 can only be taken from him by due process of law, and in accordance with the
30 Constitution. Among his rights are a refusal to incriminate himself and the
31 immunity of himself and his property from arrest or seizure except under a warrant
32 of the law. He owes nothing to the public so long as he does not trespass upon their
33 rights.”
34

35 Upon the other hand, the corporation is a creature of the State. It is presumed to be
36 incorporated for the benefit of the public. It receives certain special privileges and
37 franchises, and holds them subject to the laws of the State and the limitations of its

1 charter. Its powers are limited by law. It can make no contract not authorized by its
2 charter. Its rights to act as a corporation are only preserved to it so long as it obeys
3 the laws of its creation.

4
5 “We are also of opinion that an order for the production of books and papers may
6 constitute an unreasonable search and seizure within the Fourth Amendment.

7 While a search ordinarily implies a quest by an officer of the law, and a seizure
8 contemplates a forcible dispossession of the owner, still, as was held in the *Boyd*
9 case, the substance of the offense is the compulsory production of private papers,
10 whether under a search warrant or a subpoena *duces tecum*, against which the
11 person, be he individual or corporation, is entitled to protection.”

12 And we have been unable to perceive that the seizure of a man's private books and
13 papers, to be used in evidence against him, is substantially different from
14 compelling him to be a witness against himself.”

15
16 “Article 5. No person . . . shall be compelled in any criminal case to be a witness
17 against himself, nor to be deprived of life, liberty, or property without due process
18 of law; nor shall private property be taken for public use, without just
19 compensation.”

20
21 Under the ancient English system, criminal prosecutions were instituted at the suit
22 of private prosecutors, to which the King lent his name in the interest of the public
23 peace and good order of society. In such cases, the usual practice was to **prepare**
24 **the proposed indictment and lay it before the grand jury for their**
25 **consideration.** There was much propriety in this, as the most valuable function
26 of the grand jury was not only to examine into the commission of crimes, but
27 to stand between the prosecutor and the accused, and to determine whether
28 the charge was founded upon credible testimony or was dictated by malice or
29 personal ill will.

- 30
31 • **WILLIAM MARBURY v. JAMES MADISON, Secretary of State of the**
32 **United States. 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)**

33
34 “It is a proposition too plain to be contested, that the constitution controls any
35 legislative act repugnant to it; or, that the legislature may alter the constitution by
36 an ordinary act.”

37
38 “Certainly all those who have framed written constitutions contemplate them as
39 forming the fundamental and paramount law of the nation, and consequently the

theory of every such government must be that **an act of the legislature repugnant to the constitution is void.**”

“Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that **a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument.**”

All laws, rules and practices which are repugnant to the Constitution are null and void. (Marbury v. Madison, 5th US (2 Cranch) 137, 180)

• **CRUDEN vs. NEALE, 2 NC 338**

“every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellow-men without his consent.”

• **GROUP v. FINLETTER, 108 F.Supp. 327 (1952)**

“Defendant has filed no counter-affidavit, and therefore for the purposes of the motion before the Court, **the allegations in the affidavit of plaintiff must be considered as true**, Federal Rules of Civil Procedure, Rule 9(d), 28 U.S.C.A.”

• **United States v. W Kis, 658 F2d 526**

“It requires that the taxpayer answer the Government's case through responsive pleadings, *supported by affidavits*, that allege **specific facts in rebuttal**. Any **uncontested allegations** of the Government's **must be accepted as admitted**.”

• **Sims v. Ahrens, 271 S.W. 720, 167 Ark. 557**

“**The right to follow any of the common occupations** of life or to earn one's living in any innocent vocation without let or hindrance **is an inalienable right**, secured to all those living under our form of government by the liberty, property and happiness clauses of our national and State constitutions.”

• **Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.**

A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance.”

- **Hurtado v. California**, 110 U.S. 516.

The State cannot diminish rights of the people.

- **Lewis vs. U.S.**, 680 F. 2d 1239, 1241

The district court dismissed, holding that the Federal Reserve Bank is not a federal agency within the meaning of the Act and that the court therefore lacked subject matter jurisdiction.

Examining the organization and function of the Federal Reserve Banks, and applying the relevant factors, we conclude that the Reserve Banks are not federal instrumentalities for purposes of the FTCA, but are independent, privately owned and locally controlled corporations.

Each Federal Reserve Bank is a separate corporation owned by commercial banks in its region.

The stockholding commercial banks elect two thirds of each Bank's nine member board of directors. The remaining three directors are appointed by the Federal Reserve Board. The Federal Reserve Board regulates the Reserve Banks, but direct supervision and control of each Bank is exercised by its board of directors. 12 U.S.C. § 301.

The fact that the Federal Reserve Board regulates the Reserve Banks does not make them federal agencies under the Act.

- **Earle v. McVeigh**, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). **Prather v Loyd**, 86 Idaho 45, 382 P2d 910.

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process.

- **Rose v. Himely** (1808) 4 Cranch 241, 2 L ed 608; **Pennoyer v. Neff** (1877) 95 US 714, 24 L ed 565; **Thompson v. Whitman** (1873) 18 Wall 457, 21 L ED 897; **Windsor v. McVeigh** (1876) 93 US 274, 23 L ed 914; **McDonald v. Mabee** (1917) 243 US 90, 37 Sct 343, 61 L ed 608.

1 **An order that exceeds the jurisdiction of the court is void**, and can be attacked
2 in any proceeding in any court where the validity of the judgment comes into issue.

- 3
- 4 • **Rankin v. Howard, (1980) 633 F.2d 844, cert. den. Zeller v. Rankin, 101**
5 **S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.**
- 6

7 When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid
8 statutes expressly depriving him of jurisdiction, judicial immunity is lost.

- 9
- 10 • **Boyd v. United States, 116 U.S. 616, 635**
- 11

12 **“It is the duty of the courts to be watchful for the Constitutional rights of**
13 **Americans** and against any stealthy encroachment thereon.

- 14
- 15 • **Cooper v. O’Conner, 99 F.2d 133**

16 **“There is a general rule that a ministerial officer who acts wrongfully, although in**
17 **good faith, is nevertheless liable in a civil action and cannot claim the immunity of**
18 **the sovereign.”**

- 19
- 20 • **Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401; 1958**
- 21

22 **“Any judge who does not comply with his oath to the Constitution of the United**
23 **States wars against that Constitution and engages in acts in violation of the**
24 **supreme law of the land. The judge is engaged in acts of treason.”**

- 25
- 26 • **Davis v. Burris, 51 Ariz. 220, 75 P.2d 689; 1938**
- 27

28 **“A judge must be acting within his jurisdiction as to subject matter and person, to**
29 **be entitled to immunity from civil action for his acts.”**

- 30
- 31 • **Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20**
32 **L.Ed. 646; 1872)**
- 33

34 **“Where there is no jurisdiction, there can be no discretion, for discretion is incident**
35 **to jurisdiction.”**

- 36
- 37 • **Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200**
- 38

1 “We (judges) have no more right to decline the exercise of jurisdiction which is
2 given, than to usurp that which is not given. The one or the other would be treason
3 to the Constitution.”
4

5 • **Trezevant v. City of Tampa**

6 Mr. Trezevant was jailed for twenty-three minutes for a traffic citation. Mr.
7 Trezevant sued and the jury returned a verdict of \$25,000 in favor of Mr.
8 Trezevant for being falsely imprisoned for twenty-three minutes - \$1,086.96 per
9 minute for each minute of liberty unlawfully stolen from Mr. Trezevant. (Att.
10 #60.1, #60.2, #60.3)

11 **XXXI) ATTACHMENTS**
12

- 13 Att. #1.1 - South Carolina Affidavit (Officer Jason Stone)
14
15 Att. #1.2 - The State of South Carolina – Statewide Bench Warrant
16 Disposed of 7/17/2015
17
18 Att. #2.1 - South Carolina Public Index (Case Disposition 7/17/15)
19
20 Att. #2.2 - I-UV.com August 31, 2017 post which shows South Carolina
21 disposition date 7/17/2015 for Randall-Keith:Beane indictment
22 2014GS2700554
23
24 Att. #3 - Eastern District of Tennessee Arrest Warrant – Randall
25 Keith Beane (Fictitious Signature – “A. Brush”)
26
27 Att. #4 - Eastern District of Tennessee Arrest Warrant – Heather
28 Ann Tucci:Jarraf (Fictitious Signature – “A. Brush”)
29
30 Att. #5 - 28 U.S. Code § 1331.Federal question (District court
31 Jurisdiction - civil actions)
32
33 Att. #6 - Federal Question Jurisdiction (Two ways for federal
34 court to gain subject matter jurisdiction)
35

- 1 Att. #7 - 28 U.S. Code § 1332.Diversity of citizenship; amount in
2 controversy; costs (District court original jurisdiction of
3 all civil actions)
4
- 5 Att. #8 - 28 U.S. Code § 132.Creation and composition of district
6 courts (District courts shall be a court of record)
7
- 8 Att. #9.1 - Black's Law Dictionary – Cover Page
9
- 10 Att. #9.2 - Court of Record Definition (Proceed according to course
11 of common law)
12
- 13 Att. #9.3 - Offense Definition (a crime not indictable) Black's Law
14
- 15 Att. #9.4 - Crime Definition (Violation of public right)
16
- 17 Att. #9.5 - Attorney and Attorney-at-Law Definition – Black's Law
18
- 19 Att. #9.6 - Lawyer Definition – Black's Law Dictionary
20
- 21 Att. #10 - 18a U.S. Code Rule 9.Arrest Warrant or Summons on an
22 Indictment or information (Indictment Warrant must be
23 signed by the clerk)
24
- 25 Att. #11 - 18 U.S. Code § 912.Officer or employee of the United
26 States (Pretend to be an officer acting under authority of
27 United States) – USAA Bank True Brown
28
- 29 Att. #12 - 18 U.S. Code § 2234.Authority exceeded in executing
30 warrant (Willfully exceeds authority – exercises it with
31 unnecessary severity)
32
- 33 Att. #13 - 18 U.S. Code § 2236.Searches without warrant
34
- 35 Att. #14 - 18 U.S. Code § 3041.Power of courts and magistrates
36 (Any offense against the US)
37
- 38 Att. #15 - 18 U.S. Code § 3052.Powers of Federal Bureau of
39 Investigation (Serve warrants issued under authority of US)
40
- 41 Att. #16.1 - FBI – What We Investigate
42

- 1 Att. #16.2 - FBI – White Collar Crime Defined (Business and
2 government professionals)
3
- 4 Att. #17 - 28 U.S. Code § 516. Conduct of litigation reserved
5 to Department of Justice (US, agency, officer is a party)
6
- 7 Att. #18 - 28 U.S. Code § 547. Duties—United States Attorney
8 (Against the US – all civil actions)
9
- 10 Att. #19 - 1 U.S. Code § 204. Codes and Supplements as **evidence**
11 **of the laws** of United States and District of Columbia;
12 citation of Codes and Supplements
13
- 14 Att. #20 - 1 U.S. Code § 112. Statutes at Large; contents;
15 admissibility in evidence (US statutes legal **evidence of laws**)
16
- 17 Att. #21 - 18 U.S. Code § 1001. Statements or entries generally
18 (Falsify, conceal material facts—make materially false,
19 fictitious or fraudulent statement or representation)
20
- 21 Att. #22 - 22 U.S. Code § 7102 - (1) Abuse or Threatened Abuse of
22 Law or Legal Process (Use of law for purpose not
23 intended – coercion defined)
24
- 25 Att. #23 - § 1-206. Presumptions (Facts exist unless evidence of
26 nonexistence)
27
- 28 Att. #24 - 18 U.S. Code § 3231. District courts (Offenses **against**
29 **laws** of US)
30
- 31 Att. #25 - Standing (Suffered an “injury in fact”)
32
- 33 Att. #26.1 - Judgment In A Criminal Case – Pg. 1 (7/25/18)
34
- 35 Att. #26.2 - P. 6 (Restitution of **\$510,589.02** to USAA Bank)
36
- 37 Att. #26.3 - P. 7 (Criminal monetary penalty immediate lump sum
38 payment of **\$511,289.02** PAYABLE to US District
39 Court, Knoxville, Tennessee
40
- 41 Att. #27 - Constitution Article III (Judicial Power)
42

1 Att. #28 - Constitution Article I, Section. 8. (Congress' 18 Tasks)
2
3 Att. #29.1 - Grand Jury Transcript (GJT) – P. 1 (cover page)
4
5 Att. #29.2 - GJT P. 7; L 18 **\$493,110.68** – motorhome cost)
6
7 Att. #29.3 - Grand Jury Transcript – P. 21; L 1-5 (Randall-
8 Keith:Beane Arrested by FBI on “outstanding warrant”)
9 Att. #29.4 - Grand Jury Transcript – P. 40; L 11-15 (Bona Fide
10 Purchaser)
11
12 Att. #29.5 - Grand Jury Transcript – P. 46; L 3-6 (USAA Investigator
13 True Brown relayed information)
14
15 Att. #30.1 - Trial Transcript – Vol. I, P. 1 (cover page)
16
17 Att. #30.2 - Trial Transcript – Vol. I, P. 50; L 23-24 (FBI Parker Still
18 - ‘Have No Reason to Doubt’ USAA)
19
20 Att. #30.3 - Trial Transcript – Vol. I, P. 62; L 12-14 (Tackle Walmart
21 customers); L 22 (Buddy Gregg RVs & Motor Homes
22 releases the keys to Randall-Keth:Beane)
23
24 Att. #30.4 - Trial Transcript – Vol. I, P. 69; L 8-16 (FBI Parker Still
25 did not present warrant to Mr. Beane – Arrest Warrant
26 copy in arrestee hand **TV Stuff**)
27
28 Att. #30.5 - Trial Transcript – Vol. I, P. 74; L 5-6, 12-13 (Randall-
29 Keith:Beane bleeding cut on head)
30
31 Att. #30.6 - Trial Transcript – Vol. I, P. 129; L 9-15 (Randall-
32 Keith:Beane actual social security account number)
33
34 Att. #31.1 - Trial Transcript – Vol. II, P. 1 (cover page)
35
36 Att. #31.2 - Trial Transcript – Vol. II, P. 25; L 14-16 (Funding
37 Account Number)
38

1 Att. #31.3 - Trial Transcript – Vol. II, P. 38; L 4-5, 11, 14
2 (32 CDs successfully opened -- **\$31,000,494.974** – theft
3 **from** Randall-Keith:Beane)
4

5 Att. #31.4 - Trial Transcript – Vol. II, P. 139; L 8, 18-23, 25 (Jaron
6 Patterson, Univ. of TN Police Dept. & FBI Cyber Task
7 Force Investigator – did he have copy of warrant to give
8 to Randall-Keith:Beane)
9

10 Att. #31.5 - Trial Transcript – Vol. II, P. 140; L 1-2, 7, 9 (FBI
11 confirmed South Carolina warrant)
12

13 Att. #31.6 - Trial Transcript – Vol. II, P. 141, L 2-3, 12-18, 23-25
14 (Jaron Patterson – South Carolina warrant)
15

16 Att. #31.7 - Trial Transcript – Vol. II, P. 142, L 8-12 (Jaron Patterson
17 doesn't know if South Carolina warrant truly existed)
18

19 Att. #31.8 - Trial Transcript – Vol. II, P. 191, L 17-20 (Randall-
20 Keith:Beane never brought motor coach home)
21

22 Att. #32.1 - Trial Transcript – Vol. III, P. 1 (cover page)
23

24 Att. #32.2 - Trial Transcript – Vol. III, P. 103; L 5-20 (Jerald Byrne
25 threatened with obstruction of justice charge)
26

27 Att. #32.3 - Trial Transcript – Vol. III, P. 17, L 7-13 (Extended
28 warranty – Jerald Byrne did not have impression
29 Randall-Keith:Beane would sell motorhome for profit.
30

31 Att. #33.1 - Trial Transcript – Vol. IV, P. 1 (cover page)
32

33 Att. #33.2 - Trial Transcript – Vol. IV, P. 18; L 12-13 (NY Federal
34 Reserve Bank Sean O'Malley says No Loss to US Gov.)
35

36 Att. #34.1 - Trial Transcript – Vol. V, P. 1 (cover page)
37

- 1 Att. #34.2 - Trial Transcript – Vol. V, P. 13; L 21-23 (FBI arrival)
2
3 Att. #34.3 - Trial Transcript – Vol. V, P. 14; L 5 (Not without a
4 warrant)
5
6 Att. #34.4 - Trial Transcript – Vol. V, P. 105; L 19-25 (Alex opens
7 motorhome door for FBI)
8
9 Att. #34.5 - Trial Transcript – Vol. V, P. 106; L 1-2, 3-4, 5-8 (Never
10 been to Colorado) (FBI Beat Randall-Keith:Beane) (FBI
11 foot on Randall-Keith:Beane’s head—I Can’t Breathe –
12 attempted strangulation)
13
14 Att. #34.6 - Trial Transcript – Vol. V, P. 108, L 19-25 (They wanted
15 to hurt Randall-Keith:Beane – injured him/put a bleeding
16 cut on the back of his head)
17
18 Att. #34.7 - Trial Transcript – Vol. V, P. 109; L 1-2 (Blood trickling
19 from back of head)
20
21 Att. #34.8 - Trial Transcript – Vol. V, P. 110, L 12-18 (FBI pulled
22 down Randall-Keith:Beane’s pants – bandaged his head
23 too tight)
24
25 Att. #34.9 - Trial Transcript – Vol. V, P. 111; L 17-25 (Randall-
26 Keith:Beane asked to see the warrant)
27
28 Att. #34.10 - Trial Transcript – Vol. V, P. 112; L 1-8 (FBI did not give
29 Randall-Keith:Beane any information)
30
31 Att. #35.1 - International Covenant on Civil and Political Rights
32 Treaty (ICCPR) – P. 1, Article 1, 6, 7, 8
33
34 Att. #35.2 - ICCPR Treaty P. 2, Article 6, 9
35
36 Att. #35.3 - ICCPR Treaty P. 3, Article 14
37
38 Att. #35.4 - ICCPR Treaty P. 4

1 Att. #36 - FDIC (Robberies and other thefts not insured by the
2 FDIC)
3
4 Att. #37 - Feloniously defined – must be introduced into every
5 indictment for a felony – Bouvier, P. 764
6 Att. #38 - 18 U.S. Code § 241. Conspiracy against rights
7
8 Att. #39 - 18 U.S. Code § 242. Deprivation of rights under color of law
9
10 Att. #40 - 18 U.S. Code § 1590. Trafficking with respect to peonage,
11 slavery, involuntary servitude, or forced labor
12
13 Att. #41 - DOJ 1033. KIDNAPPING—18 U.S.C. §§ 1201, 1202
14
15 Att. #42 - 18 U.S. Code § 1621. Perjury generally
16
17 Att. #43 - 18 U.S. Code § 2382. Misprision of treason
18
19 Att. #44 - 18 U.S. Code § 4. Misprision of felony
20
21 Att. #45 - 18 U.S. Code § 2381. Treason
22
23 Att. #46 - 18 U.S. Code § 371. Conspiracy to commit offense or to
24 defraud United States
25
26 Att. #47 - 25 CFR § 11.411 - Criminal trespass
27
28 Att. #48 - Tenn. Code Ann. § 39-13-101 – Assault
29
30 Att. #49 - Tenn. Code Ann. § 39-13-102 - Aggravated assault
31
32 Att. #50 - Tenn. Code Ann. § 39-14-405 - Criminal trespass
33
34 Att. #51 - Tenn. Code Ann. § 39-11-614 - Protection of property
35
36 Att. #52 - Tenn. Code Ann. § 40-6-103 - Probable cause and affidavit
37
38 Att. #53 - Tenn. Code Ann. § 40-6-104 - Examination of complainant
39
40 Att. #54 - Tenn. Code Ann. § 40-6-208 - Contents of warrant
41

1 Att. #55 - Tenn. Code Ann. § 40-6-216 - Copies of warrants
2
3 Att. #56 - Tenn. Code Ann. § 47-1-101 - Short title - Uniform
4 Commercial Code (UCC)
5 Att. #57 - Tenn. Code Ann. § 47-1-103 - Construction of chapters
6 1-9 to promote their purposes and policies —
7 Applicability of supplemental principles of law. (UCC)
8
9 Att. #58.1 - Report of Commission on Unalienable Rights – P. 1
10 (cover page)
11
12 Att. #58.2 - P. 13 (Right to travel—protection of person and
13 property—property is one’s labor, life, liberty, and
14 pursuit of happiness)
15
16 Att. #59.1 - The Law of Nations – P. 1 (cover page)
17
18 Att. #59.2 - P. 95 (Legislators derive their power from the
19 constitution)
20
21 Att. #60.1 - Trezevant v. City of Tampa – P. 1 (\$25,000 jury verdict
22 in favor of plaintiff – Trezevant)
23
24 Att. #60.2 - P.2 (Trezevant was in the holding cell for a total of
25 twenty-three minutes)
26
27 Att. #60.3 - P.5 (Jury verdict not excessive. Judgment affirmed.
28 Ruling has not been appealed.)
29
30 Att. #61.1 - Detention Hearing Request (Doc. 40) – P. 1 (cover page)
31
32 Att. #61.2 - P. 9, L 12-14 – Randall-Keith:Beane requests detention
33 hearing)
34
35 Att. #62.1 - True Brown (USAA Bank) Email Dated 7-11-2017 (4:07
36 pm) P. 1
37

1 Att. #62.2 - P. 2 (7/11/17—4:07 pm – email from True Brown to FBI
2 Parker Still – wants update on RV – says Randall-
3 Keith:Beane’s social security account number altered by
4 one digit – says federal reserve bank account number
5 same as your social security number – says USAA
6 financial crimes investigation took steps to remove
7 Randall-Keith:Beane’s loan and credit card payments)
8

9 Att. #63 - True Brown (USAA Bank) Email Dated 7-12-2017—
10 9:10 am – True Brown email to Parker Still asking what
11 charges Randall-Keith:Beane was arrested/detained on—
12 a request for update on the RV motorhome—if he
13 planned to charge Mr. Beane on complaint—USAA
14 executive management team is “really impressed” by the
15 quick arrest of Mr. Beane—and “makes me proud of the
16 organization.”
17

18 Att. #64.1 - DOJ Motion In Limine (To Prohibit Jurisdiction
19 Argument – Doc 78 – 1/5/18) P. 1
20

21 Att. #64.2 - Motion In Limine Memorandum Opinion and Order P. 1
22

23 Att. #64.3 - Memorandum Opinion and Order - Motion In Limine Granted - Doc
24 90 – P. 8 – 1/19/18 (Perpetrator and conspirator Thomas A. Varlan
25 ordered defendants prohibited from offering evidence/testimony re:
26 1) whether court has subject matter jurisdiction, 2) whether US
27 government is defaulted/foreclosed, and 3) whether the US has legal
28 authority to bring a prosecution of defendants)
29

30 Att. #65.1 - True Brown - USAA Petition of Third-Party Interest
31 (Doc. 246-1) P. 1 – Re: Motorhome Forfeiture
32

33 Att. #65.2 - True Brown - USAA Petition - P. 2 (Mr. Beane “used a
34 fictitious bank account number.”)
35

36 Att. #65.3 - True Brown - USAA Petition - P. 3 (True Brown
37 petition sworn under penalty of perjury)

- 1 Att. #66.1 - DOJ Motion for Entry of Preliminary Order of Forfeiture
2 (Doc. 223 – 7/24/18) - P. 1
3
- 4 Att. #66.2 - Doc. 223 - P. 2 (“...using a fictitious bank account
5 number (i.e., defendant’s Social Security Number”)
6 **FOOTNOTE - \$553,749.99** “different from restitution.”
7
- 8 Att. #66.3 - Doc. 223 - P. 3 (signature page)
9
- 10 Att. #67 - United States of America, Inc. Delaware Corporation
11
- 12 Att. #68 - The United States of America, Inc. Delaware Corporation
13
- 14 Att. #69 - Offence Definition – (“...it is not indictable.”) Bouvier’s
15 Law Dictionary
16
- 17 Att. #70 - Crime Definition – (The term offence...is...understood
18 to be a crime not indictable...) - Bouvier’s Law Dictionary
19
- 20 Att. #71.1 - Indictment – P. 1 of 8 (USAA and Whitney bank insured by FDIC)
21
- 22 Att. #71.2 - Indictment – P. 2 of 8 (fictitious bank account number/Heather-
23 Ann:Tucci:Jarraf “purported to be BEANE’S attorney...”)
24
- 25 Att. #71.3 - Indictment – P. 3 of 8 (fictitious account number / there
26 was no valid account number)
27
- 28 Att. #71.4 - Indictment – P. 4 of 8 (fictitious account number)
29
- 30 Att. #71.5 - Indictment – P. 5 of 8
31
- 32 Att. #71.6 - Indictment – P. 6 of 8 (commit certain offenses against
33 the United States)
34
- 35 Att. #71.7 - Indictment – P. 7 of 8 (upon conviction of any offense)
36
- 37 Att. #71.8 - Indictment – P. 8 of 8

1 Att. #72.1 - Laws of the United States of America (cover page)
2 (Title of Nobility)
3 Att. #72.2 - Laws of the United States of America - P. 74 (If any
4 citizen accepts a title of nobility (Esquire) from any
5 foreign power (Britain) shall be incapable of holding any
6 office of trust.)
7
8 Att. #73.1 - Tennessee Constitution Declaration of Rights – P. 2 - Section 1
9
10 Att. #73.2 - Tennessee Constitution Declaration of Rights – P. 3 -
11 Section 2, 7, 8, 9, 10
12
13 Att. #73.3 - Tennessee Constitution Declaration of Rights – P. 4 –
14 Section 15
15
16 Att. #74.1 - Dennis G. Terez - Counsel for Appellant Heather-Ann:
17 Tucci:Jarraf – Cover Page
18
19 Att. #74.2 - Dennis G. Terez - Counsel for Appellant Heather-Ann:
20 Tucci:Jarraf - Jurisdictional Statement
21
22 Att. #75.1 - Stephen L .Braga – Counsel for Appellant Randall Keith
23 Beane – Cover Page
24
25 Att. #75.2 - Stephen L .Braga – Counsel for Appellant Randall Keith
26 Beane – Statement of Jurisdiction
27
28 Att. #76 - FBI - What is Money Laundering?
29
30 Att. #77.1 - Preliminary Order of Forfeiture, Document 224 Filed
31 07/24/18, P. 1
32
33 Att. #77.2 - Preliminary Order of Forfeiture, Document 224 Filed 07/24/18, P. 2,
34 Paragraph 1(b) -- **A money judgment in favor of the United States**
35 **and against the defendant RANDALL KEITH BEANE, for**
36 **\$553,749.99**, which represents the minimum amount of proceeds
37 RANDALL KEITH BEANE personally obtained.

1 “2017 Entegra Cornerstone 45B; 45 foot diesel
2 motorhome; VIN 4VZVU1E94HC082752; topaz in
3 color with eight wheels” P. 2, Paragraph 1(a)
4

5 Att. #77.3 - “...this Preliminary Order of Forfeiture will become final as to the
6 money judgment in the amount of \$553,749.99 at the time of
7 sentencing, and **will be** made part of the sentence and **included in**
8 **the Judgment.**”

9 Att. #77.4 - Preliminary Order of Forfeiture submitted by J.
10 DOUGLAS OVERBEY, United States Attorney, Anne-
11 Marie Svolto and Cynthia F. Davidson - Assistant
12 United States Attorneys
13

14 Att. #78.1 - Sentencing Proceedings Before Thomas A. Varlan, July 24, 2018,
15 Doc. 240 – P. 1
16

17 Att. #78.2 - Sentencing Proceedings, P. 10, Line 12-18
18

19 Att. #79 - Public Law 97-280 - "Year of the Bible"
20

21 Att. #80.1 - Trial Transcript – Vol. VI, Cover Page
22

23 Att. #80.2 - P. 63 – Cynthia F. Davidson cites Black’s Law Dictionary
24

25 Att. #80.3 - P. 64 - Heather-Ann:Tucci:Jarraf under cross-examination re:
26 Black’s Law and “attorney” vs. “lawyer”
27

28 Att. #81.1 - The Essential Law Dictionary Cover Page
29

30 Att. #81.2 - “Attorney” and “Attorney-at-Law” Definition
31

32 Att. #81.3 - “Lawyer” Definition
33

34 Att. #82.1 - “Lawyer” Definition – Bouvier’s Law Dictionary
35

36 Att. #82.2 - “Attorney” and “Attorney-at-Law” Definition –Bouvier’s
37 Law Dictionary
38

39 Att. #83.1 - United States v. Throckmorton, 98 U.S. 61 (1878) P. 1
40

- 1 Att. #83.2 - "There is no question of the general doctrine that **fraud vitiates**
2 the most solemn contracts, documents, and **even judgments.**" P. 3
- 3 Att. #83.3 - "**Fraud vitiates every thing...**" P. 4
- 4 Att. #84.1 - Parkway RV Center – SOLD
- 5 Att. #84.2 - Parkway RV Center – VIN 4VZU1E94HC082752
6 Option A is \$379,000 which is haggle free/firm (no
7 Matter if you pay cash, finance and or trade)
8
- 9 Att. #85 - Praeterea preterea Definition – University of Notre Dame
10 Latin Dictionary (<http://archives.nd.edu/latin.htm>)
11
- 12 Att. #86 - Complaint Form Regarding United States Marshals Service
13
- 14 Att. #87 - DOJ How to Report A Complaint
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ARREST WARRANT

2014A2720200234

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

THE STATE

14-907

against

Randal Keith Beane

Address: 3283 Grays Hwy

Ridgeland, SC 29936-

Phone: [REDACTED] SS [REDACTED]

Sex: M Race: [REDACTED] Height: [REDACTED]

DL [REDACTED] ORI #: SC0270200

Police Department

Prosecuting Officer: Jason Stone - 0048

Offense: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making

Offense Code: 0326

Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Randal Keith Beane

on 10/13/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
265 Russell Street
Po Box 248
Ridgeland, SC 299360248

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

Personally appeared before me the affiant, Jason Stone

who

being duly sworn deposes and says that defendant Randal Keith Beane

did within this county and state on or about 10/13/2014

violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Ridgeland)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on October 13, 2014 in the city/county of Jasper, Town of Ridgeland, one Randal Keith Beane did knowingly and willfully oppose and/or resist the lawful arrest by a law enforcement officer, or the defendant did knowingly and willfully assault, beat and/or wound a law enforcement officer while resisting arrest. Defendant was stopped by Ridgeland Police for a traffic violation. Defendant refused to provide police with identification information and physically resisted police after being placed under arrest.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

Affiant's Address P.O. Box 1119

Ridgeland, SC 29936-

Affiant's Telephone (843)726-7530

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: [Signature]
DATE: 5-1-2020

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds

on or about 10/13/2014 defendant Randal Keith Beane

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Ridgeland) as set forth below:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time or soon thereafter as is practicable. Sworn to and subscribed before me on 10/13/2014

Signature of Issuing Judge (L.S.)

Thomas L. Seagins

Judge Code: 6563

Judge's Address One Town Square

Ridgeland, SC 29936-1119

Judge's Telephone (843)726-7500

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Att. #1.1

THE STATE OF SOUTH CAROLINA
COUNTY OF JASPER

BENCH WARRANT
FAILURE TO APPEAR

THE STATE
VS.
Randal Keith Beane

2014GS2700554

2014A2720200234

Resisting / Resisting Arrest; Oppose or resist
law enforcement officer serving process or
making arrest

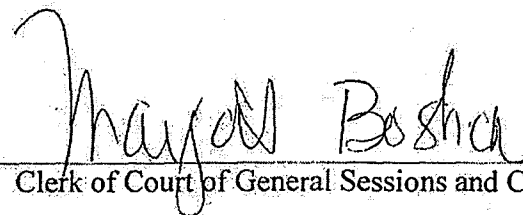
To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:


WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained
that a Bench Warrant should be issued for the arrest of Randal Keith Beane

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him
to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And
this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and
keeping him safely until he be discharged by due course of law.

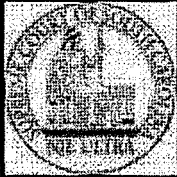
WITNESS, Margaret Bostick, Clerk of Court of General Sessions and Common Pleas for the County of Jasper,

April 17, 2015.


Clerk of Court of General Sessions and Common Pleas

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: 
DATE: 4-17-2015

Att. #1.2



Jasper County Fourteenth Judicial Circuit Public Index



[Jasper County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Randal Keith Beane

Case Number:	2014A2720200234	Court Agency:	General Sessions	Filed Date:	10/14/2014
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Failure to Appear	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Failure to Appear				
Disposition Date:	07/17/2015	Date Received:	10/14/2014	Arrest Date:	10/13/2014
Law Ent. Case:	14-907	True Bill Date:	11/20/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2014GS2700554	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the  icon to show associated parties.

Att. #2.1



Rodger says :

August 31, 2017 at 2:35 pm

The State of South Carolina VS Randal Keith Beane

Case Number: 2014A2720200234

Court Agency: General Sessions

Filed Date: 10/14/2014

Case Type: Criminal-Clerk

Case Sub Type:

Status: Failure to Appear

Assigned Judge: Clerk Of Court C P, G S, And Family Court

Disposition Judge: Solicitor

Disposition: Failure to Appear

Disposition Date: 07/17/2015

Date Received: 10/14/2014

Arrest Date: 10/13/2014

Law Enf. Case: 14-907

True Bill Date: 11/20/2014

No Bill Date:

Prosecutor Case:

Indictment Number: 2014GS2700554

Waiver Date:

Probation Case:

FBI/STII

UNITED STATES DISTRICT COURT

RECEIVED BY: RL
DATE: 7/20/17 TIME: 0830

SEALED

for the
Eastern District of TennesseeU.S. MARSHAL E/TN
KNOXVILLE, TN

SEALED

United States of America

v.

RANDALL KEITH BEANE

Defendant

Case No. 3:17-CR-82

ARREST WARRANT

SEALED

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested): RANDALL KEITH BEANE

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

the defendant, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, signals and sounds including funds he did not own, via wire, all in violation of Title 18, United States Code, Section 1343; devised a scheme to defraud financial institutions and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises, in order to obtain money and property fraudulently, in violation of Title, 18, United States Code, Section 1344; did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to commit money laundering, in violation of Title 18, United States Code Sections 1956 and 1957

Date: 07/26/2017City and state: Knoxville, TN

Residing officer's signature

U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 7-20-17, and the person was arrested on (date) 7-27-17
 at (city and state) Knox Co TN

Date: 7-27-17

Arresting officer's signature

Att. #3

Printed name and title

FID# 16365588

1774-0720-2481-J

Case 3:17-cr-00082-TAV-CCS Document 16 Filed 07/31/17 Page 1 of 1 PageID #: 40

FBI/Still

UNITED STATES DISTRICT COURT

RECEIVED BY: LOWDATE: 7/20/17 TIME: 0830

SEALED

for the

Eastern District of Tennessee

U.S. MARSHAL E/TN
KNOXVILLE, TN

SEALED

United States of America
v.Case No. 3:17-CR- 82

HEATHER ANN TUCCI-JARRAF

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

Case No: 1:17-mj-531
Assigned To: Magistrate Judge Deborah A. Robinson
Date Assigned: 7/26/2017
Description: Arrest Warrant (Rule 40)

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) HEATHER ANN TUCCI-JARRAF
who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

the defendant, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury to commit money laundering, in violation of Title 18, United States Code, Sections 1956 and 1957.

Date: 19
07/28/2017City and state: Knoxville, TN

Issuing officer's signature


U.S. Magistrate Judge


Printed name and title
Deputy Clerk

Return

This warrant was received on (date) 7-20-17 and the person was arrested on (date) 7-26-17
at (city and state) _____

Date: 7-26-17

Att. #4


Arresting officer's signature


Printed name and title
Matthew Samis, DUSM

FID#10365908

1774-0720-2495-J

28 U.S. Code § 1331. Federal question

U.S. Code Notes

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(June 25, 1948, ch. 646, 62 Stat. 930; Pub. L. 85-554, § 1, July 25, 1958, 72 Stat. 415; Pub. L. 94-574, § 2, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 96-486, § 2(a), Dec. 1, 1980, 94 Stat. 2369.)

Att. #5

Federal Question Jurisdiction

Overview

Federal question jurisdiction is one of the two ways for a federal court to gain subject-matter jurisdiction over a case (the other way is through diversity jurisdiction).

Generally, in order for federal question jurisdiction to exist, the cause of action must arise under federal law. More specifically, however, there are both constitutional and statutory requirements that must be met before jurisdiction can be found.

Interpreting "Arising Under" - Constitutional Requirement

Under Article III of the Constitution, federal courts can hear "all cases, in law and equity, arising under this Constitution, [and] the laws of the United States..." US Const, Art III, Sec 2. The Supreme Court has interpreted this clause broadly, finding that it allows federal courts to hear any case in which there is a federal ingredient. Osborn v. Bank of the United States, 9 Wheat. (22 U.S.) 738 (1824).

28 USC 1331 - The Statutory Component

For federal question jurisdiction to exist, the requirements of 28 USC 1331 must also be met. This statute gives federal courts jurisdiction only to those cases which "aris[e] under" federal law. 28 USC 1331. This requirement has been found to be narrower than the requirements of the constitution. The Supreme Court has found that a "suit arises under the law that creates the cause of action," American Well Works v. Layne, 241 US 257 (1916), and therefore, only suits based on federal law, not state law suits, are most likely to create federal question jurisdiction, Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149 (1908).

Well-Pleaded Complaint Rule

Typically, in order to have federal question jurisdiction, the plaintiff's complaint must be a well-pleaded one. This means that the plaintiff's initial complaint must contain the references to the federal question and the federal issue evoked. The federal question and issue cannot arise in an anticipated defense, it must be presented from the initial complaint. This requirement was established in Louisville & Nashville R. Co. v. Mottley, and as such it is often referred to as the "Mottley Rule."

Grable Test

Another test that courts will often use to determine federal question jurisdiction is called the Grable Test, established in Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing. This is a two-part test

Att. #6

28 U.S. Code § 1332. Diversity of citizenship; amount in controversy; costs

U.S. Code	Notes
	(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

Att. #7

28 U.S. Code § 132. Creation and composition of district courts

U.S. Code	Notes
	<p>(a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.</p> <p>(b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.</p> <p>(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.</p> <p>(June 25, 1948, ch. 646, <u>62 Stat. 895</u>; Pub. L. 88-176, § 2, Nov. 13, 1963, <u>77 Stat. 331</u>.)</p>

Att. #8

BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

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Att. #9.1

COURT

memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U. S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

Courts may be at the same time of record for some purposes and not of record for others. Lester v. Redmond, 6 Hill, N.Y., 590; Ex parte Gladhill, 8 Metc., Mass., 168.

Superior and inferior courts. The former being courts of general original jurisdiction in the first instance, and which exercise a control or supervision over a system of lower courts, either by appeal, error, or *certiorari*; the latter being courts of small or restricted jurisdiction, and subject to the review or correction of higher courts. Sometimes the former term is used to denote a particular group or system of courts of high powers, and all others are called "inferior courts."

To constitute a court a superior court as to any class of actions, within the common-law meaning of that term, its jurisdiction of such actions must be unconditional, so that the only thing requisite to enable the court to take cognizance of them is the acquisition of jurisdiction of the persons of the parties. Simons v. De Bare, 4 Bosw., N.Y., 547.

An inferior court is a court whose judgments or decrees can be reviewed, on appeal or writ of error, by a higher tribunal, whether that tribunal be the circuit or supreme court. Nugent v. State, 18 Ala. 521.

Civil and criminal courts. The former being such as are established for the adjudication of controversies between subject and subject, or the ascertainment, enforcement, and redress of private rights; the latter, such as are charged with the administration of the criminal laws, and the punishment of wrongs to the public.

Equity courts and law courts. The former being such as possess the jurisdiction of a chancellor, apply the rules and principles of chancery law, and follow the procedure in equity; the latter, such as have no equitable powers, but administer justice according to the rules and practice of the common law.

As to the division of courts according to their *jurisdiction*, see *Jurisdiction*.

As to several names or kinds of courts not specifically described in the titles immediately following, see Arches Court, Appellate, Circuit Courts, Consistory Courts, County, Customary Court-Baron, Ecclesiastical Courts, Federal Courts, Forest Courts, High Commission Court, Instance Court, Justice Court, Justiciary Court, Legislative Courts, Maritime Court, Mayor's Court,

Moot Court, Municipal Court, Orphans' Court, Police Court, Prerogative Court, Prize Court, Probate Court, Superior Courts, Supreme Court, and Surrogate's Court.

As to court-hand, court-house, court-lands, court rolls, courtyard, see those titles in their alphabetical order *infra*.

General

Court above, court below. In appellate practice, the "court above" is the one to which a cause is removed for review, whether by appeal, writ of error, or *certiorari*; while the "court below" is the one from which the case is removed. Going v. Schnell, 6 Ohio Dec. 933.

Court in bank. A meeting of all the judges of a court, usually for the purpose of hearing arguments on demurrers, points reserved, motions for new trial, etc.; as distinguished from sessions of the same court presided over by a single judge or justice.

Court of competent jurisdiction. One having power and authority of law at the time of acting to do the particular act. Ex parte Plaistrige, 68 Okl. 256, 173 P. 646, 647.

One having jurisdiction under the state Constitution and laws to determine the question in controversy. Texas Employers' Ins. Ass'n v. Nunamaker, Tex. Civ.App., 267 S.W. 749, 751. A court for the administration of justice as established by the Constitution or statute. Bradley v. Town of Bloomfield, 85 N.J.Law, 506, 89 A. 1009.

Court of limited jurisdiction. When a court of general jurisdiction proceeds under a special statute, it is a "court of limited jurisdiction" for the purpose of that proceeding, and its jurisdiction must affirmatively appear. Osage Oil & Refining Co. v. Interstate Pipe Co., 124 Okl. 7, 253 P. 66, 71.

De facto court. One established, organized, and exercising its judicial functions under authority of a statute apparently valid, though such statute may be in fact unconstitutional and may be afterwards so adjudged; or a court established and acting under the authority of a *de facto* government. 1 Bl. Judgm. § 173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeister v. Lindsay, 212 Mich. 299, 180 N.W. 633, 635.

Full court. A session of a court, which is attended by all the judges or justices composing it.

Spiritual courts. In English law. The ecclesiastical courts, or courts Christian. See 3 Bl. Comm. 61.

COURT-BARON. In English law. A court which, although not one of record, is incident to every manor, and cannot be severed therefrom. It was ordained for the maintenance of the services and duties stipulated for by lords of manors, and for the purpose of determining actions of a personal nature, where the debt or damage was under forty shillings. Wharton; 1 Poll. & Maitl. Hist. E. L. 580.

Customary court
tiresly to copyholder

ODIO

ODIO ET ATIA. See De Odio et Atia.

ODIOSA ET INHONESTA NON SUNT IN LEGE PRIESUMANDA. Odious and dishonest acts are not presumed in law. Co. Litt. 78; Jackson v. Miller, 6 Wend. (N. Y.) 228, 231, 21 Am.Dec. 316.

ODIOSA NON PRIESUMUNTUR. Odious things are not presumed. Burrows, Sett. Cas. 190.

ODIUM. Means hatred and dislike. In venue statute, it implies such a general ill feeling toward a party to an action as will render it uncertain whether the cause can be tried by impartial triers, free from an atmosphere impregnated with malice or corrupting prejudices. Brow v. Levy, 3 Ind.App. 464, 29 N.E. 417.

ODIOUS. Synonymous with infamous. Poison v. Polson, 140 Ind. 310, 39 N.E. 498.

ECONOMICUS. L. Lat. In old English law. The executor of a last will and testament. Cowell.

ECONOMUS. Lat. In the civil law. A manager or administrator. Calvin.

OEDEMA. A bogging down of the kidneys, heart and lungs because of heavy load of gas poison, entering through the lungs and infecting the tissues and organs of the whole system. Ogletree v. Jorles, 44 N.M. 567, 106 P.2d 302.

OF. A term denoting that from which anything proceeds; indicating origin, source, descent, and the like; as, he is of a race of kings; he is of noble blood. Stone v. Riggs, 43 Okl. 209, 142 P. 298, 299. Associated with or connected with, usually in some causal relation, efficient, material, formal, or final. Harlan v. Industrial Accident Commission, 194 Cal. 352, 228 P. 654, 657.

The word has been held equivalent to after, 10 L.J.Q.B. 10; at, or belonging to, Davis v. State, 38 Ohio St. 506; in possession of, Bell County v. Hines, Tex.Civ.App., 219 S.W. 556, 557; Stokes v. Great Southern Lumber Co., D.C.Miss., 21 F.2d 185, 186; manufactured by, 2 Bing. N.C. 668; by, Hannum v. Kingsley, 107 Mass. 355; residing at, Porter v. Miller, 3 Wend. (N.Y.) 329; 8 A. & E. 232; from, State v. Wong Fong, 75 Mont. 81, 241 P. 1072, 1074; in, Kellogg v. Ford, 70 Or. 213, 139 P. 751, 752.

OF COUNSEL. A phrase commonly applied in practice to the counsel employed by a party in a cause, and particularly to one employed to assist in the preparation or management of a cause, or its presentation on appeal, but who is not the principal attorney of record for the party.

OF COURSE. As a matter of right. Stoddard v. Treadwell, 29 Cal. 281; Jones v. McGonigle, 327 Mo. 457, 37 S.W.2d 892, 74 A.L.R. 550. Any action or step taken in the course of judicial proceedings which will be allowed by the court upon mere application, without any inquiry or contest, or which may be effectually taken without even applying to the court. Bank of St. 4 C.C.A. 979.

OF FORCE. In force; extant; not obsolete; existing as a binding or obligatory power.

OF GRACE. This phrase had its origin in an age when kings dispensed their royal favors at the hands of chancellors, but has no rightful place in American jurisprudence. Sullivan v. Jones & Laughlin Steel Co., 208 Pa. 540, 57 A. 1065, 66 L.R. A. 712. A term applied to any permission or license granted to a party in the course of a judicial proceeding which is not claimable as a matter of course or of right, but is allowed by the favor or indulgence of the court. See Walters v. McElroy, 151 Pa. 549, 25 A. 125.

OF NEW. A Scotch expression, closely translated from the Latin "*de novo*," (q. v.).

OF RECORD. Recorded; entered on the records; existing and remaining in or upon the appropriate records.

A mortgage to be "of record" must be recorded in the county in which it is properly and legally recordable for purpose of constructive notice. Riley v. Commonwealth, 275 Ky. 370, 121 S.W.2d 921.

Under statute providing that recognizances shall be "of record", the term means of record in the sense that it is taken by inferior tribunals that they have been taken and certified to the clerk of the court of record and by him recorded. King v. State, 18 Neb. 375, 25 N.W. 519.

OF RIGHT. As a matter of course. Atkins v. Garrett, D.C.La., 252 F. 280, 282. See "Of Course."

OF THE BLOOD. A technical legal phrase meaning to be descended from the person referred to or from the same common stock and from a common ancestor. In re Easter's Estate, 24 Cal.2d 191, 148 P.2d 601.

OFFA EXECRATA. In old English law. The morsel of execration; the corsned, (q. v.). 1 Reeve, Eng. Law, 21.

OFFENDER. Commonly used in statutes to indicate person implicated in the commission of a crime and includes person guilty of a misdemeanor. State ex rel. Smith v. Jameson, 70 S.D. 503, 19 N.W.2d 505, 508.

OFFENSE. A crime or misdemeanor; a breach of the criminal laws. People v. Brenta, 64 Cal. App. 91, 220 P. 447; State v. Hirsch, 91 Vt. 330, 100 A. 877, 879; Ex parte Brady, 116 Ohio St. 512, 157 N.E. 69, 70. State v. Johnson, 212 N.C. 566, 194 S.E. 319, 322.

It is used as a *genus*, comprehending every crime and misdemeanor, or as a *species*, signifying a crime not indictable, but punishable summarily or by the forfeiture of a penalty. In re Terry, C.C.Cal., 37 F. 649.

The word "offense," while sometimes used in various senses, generally implies a crime or a misdemeanor infringing public as distinguished from mere private rights, and punishable under the criminal laws, though it may also include the violation of a criminal statute for which the remedy is merely a civil suit to recover the penalty. Commonwealth v. Brown, 264 Pa. 85, 107 A. 676, 678.

Under a statute, declaring that one guilty of an offense or fault causing another damage is obliged to repair it, "offense or fault" has the same meaning as "tort". Panama R. Co. v. Rock, C.C.A. Canal Zone, 272 F. 649, 651; and.

Att. #9.3

"Crime" and "misdemeanor," properly speaking, are synonymous terms; though in common usage "crime" is made to denote such offenses as are of a deeper and more atrocious dye. 4 Bl.Comm. 5; *People v. Schiaffino*, 73. Cal.App. 357, 238 P. 725; *Guelling v. State*, 199 Ind. 630, 158 N.E. 593, 594; *McIntyre v. Commonwealth*, 154 Ky. 149, 156 S. W. 1058, 1059; *Commonwealth v. Smith*, 266 Pa. 511, 109 A. 786, 788, 9 A.L.R. 922; *Ex parte Brady*, 116 Ohio St. 512, 157 N.E. 69, 70; An act committed or omitted in violation of a public law. *City of Mobile v. McCown Oil Co.*, 226 Ala. 688, 148 So. 402, 405. Crimes are those wrongs which the government notices as injurious to the public, and punishes in what is called a "criminal proceeding," in its own name. 1 Bish.Crim.Law, § 43; *In re Jacoby*, 74 Ohio App. 147, 57 N.E.2d 932, 934, 935. A crime may be defined to be any act • done in violation of those duties which an individual owes to the community, and for the breach of which the law has provided that the offender shall make satisfaction to the public. Bell. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: (1) Death; (2) imprisonment; (3) fine; (4) removal from office; or (5) disqualification to hold and enjoy any office of honor, trust, or profit in this state. Pen.Code Cal. § 15. "Crime" is strictly a violation of law either human or divine; in present usage the term is commonly applied to grave offenses against the laws of the state. *Van Riper v. Constitutional Government League*, 1 Wash.2d 635, 96 P.2d 588, 591, 125 A.L.R. 1100. A crime or misdemeanor shall consist in a violation of a public law, in the commission of which there shall be a union or joint operation of act and intention, or criminal negligence. Code Ga. 1882, § 4292, Pen.Code 1910, § 31.

Synonyms

According to Blackstone, the word "crime" denotes such offenses as are of a deeper and more atrocious dye, while smaller faults and omissions of less consequence are called "misdemeanors." But the better use appears to be to make *crime* a term of broad and general import, including both felonies and misdemeanors, and hence covering all infractions of the criminal law. In this sense it is not a technical phrase, strictly speaking, (as "felony" and "misdemeanor" are,) but a convenient general term. In this sense, also, "offense" or "public offense" should be used as synonymous with it.

The distinction between a crime and a tort or civil injury is that the former is a breach and violation of the public right and of duties due to the whole community considered as such, and in its social and aggregate capacity; whereas the latter is an infringement or privation of the civil rights of individuals merely. Brown.

A crime, as opposed to a civil injury, is the violation of a right, considered in reference to the evil tendency of such violation, as regards the community at large. 4 Steph.Comm. 4.

Varieties of Crimes

Capital crime. See Capital, *adj.*

Common law crimes

Such crimes as are punishable by the force of the common law, as distinguished from crimes created by statute. *Wilkins v. U. S.*, C.C.A.Pa., 96 F. 837, 37 C.C.A. 588; *In re Greene*, C.C.Ohio, 52 F. 111. These decisions (and many others) hold that there are no common-law crimes against the United States.

Constructive crime

See Constructive Crime.

Continuous crime

One consisting of a continuous series of acts, which endures after the period of consummation, as, the offense of carrying concealed weapons. In the case of instantaneous crimes, the statute of limitations begins to run with the consummation, while in the case of continuous crimes it only begins with the cessation of the criminal conduct or act. *U. S. v. Owen*, D.C.Or., 32 F. 537.

Crime against nature

The offense of buggery or sodomy. *State v. Vicknair*, 52 La. Ann. 1921, 28 So. 273; *Ausman v. Veal*, 10 Ind. 355, 71 Am. Dec. 331. The strict common-law meaning has been greatly enlarged by statute. *Borden v. State*, 3G Okl. Cr. 69, 252 P. 446, 447; *State v. Murry*, 136 La. 253, 66 So. 963, 964; *State v. Long*, 133 La. 580, 63 So. 180; *Frazier v. Grob*, 194 Mo. App. 405, 183 S.W. 1083, 1084; *State v. Griffin*, 175 N.C. 767, 94 S.E. 678, 679. See Bestiality; Sodomy.

At common law the term "crime against nature" embraced both sodomy and "bestiality", defined as a connection between a human being and a brute of the opposite sex. *State v. Poole*, 59 Ariz. 44, 122 P.2d 415, 416. Within the statute it is the perverted act of uniting the mouth of one participant with the sexual organ of the other, with a view of gratifying the sexual desire, and a mere kiss or lick of the private organ, even though lewdly done, is not a "copulation" within the statute. *People v. Angier*, 44 Cal. App. 2d 417, 112 P.2d 659, 660.

Crime against the other (husband or wife)

As used in 22 Okl. St. Ann. 702, providing that neither husband nor wife shall be a witness against the other except in a prosecution for a "crime committed against the other," the phrase denotes a public offense by husband or wife that is a direct violation of the rights of the other. *Hunter v. State*, 10 Okl. Cr. 119, 134 P. 1134, 1136, L.R.A. 1915A, 564. It does not make the wife a competent witness in a prosecution against the husband for incest. *Lacey v. State*, 27 Okl. Cr. 42, 224 P. 994, 995.

Murder by wife of husband's child, *O'Loughlin v. People*, 90 Colo. 368, 10 P.2d 543, 546. Rape against stepdaughter. *State v. Goff*, 64 S.D. 80, 264 N.W. 665, 666.

Crimes mala in se

"Crim
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Att. #9.4

ATTORNARE

ATTORNARE REM. To turn over money or goods, i. e., to assign or appropriate them to some particular use or service.

ATTORNATO FACIENDO VEL RECIPIENDO. An obsolete writ, which commanded a sheriff or steward of a county court or hundred court to receive and admit an attorney to appear for the person that owed suit of court. Fitz.N.B. 156, 349.

ATTORNATUS. One who is attorney, or put in the place of another; a substitute; hence, an attorney. 7 C.J.S. p. 694.

ATTORNATUS FERE IN OMNIBUS PERSONAM DOMINI REPRESENTAT. An attorney represents the person of his master in almost all respects. Adams Gloss., citing Bract. fol. 342.

ATTORNE. L. Fr. In old English law. An attorney. Britt. c. 126.

ATTORNEY. In the most general sense this term denotes an agent or substitute, or one who is appointed and authorized to act in the place or stead of another. Nardi v. Poinsette, D.C.Ind., 46 F.2d 347, 348. An agent, or one acting on behalf of another. Sherts v. Fulton Nat. Bank of Lancaster, 342 Pa. 337, 21 A.2d 18.

One who is put in place, stead, and turn of another to manage his matters of law. Kaufman v. Jurczak, 102 N.J.Eq. 66, 139 A. 716. An agent employed by party to case to manage it for him. McLyman v. Miller, 52 R.I. 374, 161 A. 111, 112.

When used with reference to the proceedings of courts, or the transaction of business in the courts, the term always means "attorney at law" (q. v.) unless a contrary meaning is clearly indicated. In re Merse, 98 Vt. 85, 126 A. 550, 551, 36 A.L.R. 527.

"Lawyer" and "attorney" are synonymous. People v. Taylor, 56 Colo. 441, 138 P. 762, 763.

—Attorney ad hoc. See Ad Hoc.

—Attorney at large. In old practice. An attorney who practiced in all the courts. Cowell.

—Attorney at law. An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts. An officer in a court of justice, who is employed by a party in a cause to manage it for him. In re Bergeron, 220 Mass. 472, 107 N.E. 1007, 1008, Ann.Cas.1917A, 549.

In English law. A public officer belonging to the superior courts of common law at Westminster, who conducted legal proceedings on behalf of others, called his clients, by whom he was retained; he answered to the solicitor in the courts of chancery, and the proctor of the admiralty, ecclesiastical, Probate, and divorce courts. An attorney was almost invariably also a solicitor. It is now provided by the judicature act, 1873, § 87, that solicitors, attorneys, or proctors of, or by law empowered to practice in, any court the jurisdiction of which is by that act transferred to the high court of justice or the court of appeal, shall be called "solicitors of the supreme court." Wharton.

The term "attorney at law," as used in the United States, usually includes "barrister," "counsellor," and "solicitor," in the sense in which those terms are used in England. In some states, as well as in the United States supreme court, "attorney" and "counsellor" are distinguishable, the former term being applied to the younger members of the bar, and to those who carry on the prac-

tice and formal parts of the suit, while "counsellor" is the adviser, or special counsel retained to try the cause. Rap. & L.

—Attorney in fact. A private attorney authorized by another to act in his place and stead, either for some particular purpose, as to do a particular act, or for the transaction of business in general, not of a legal character. This authority is conferred by an instrument in writing, called a "letter of attorney," or more commonly a "power of attorney." Treat v. Tolman, C.C.A.N.Y., 113 F. 893, 51 C.C.A. 522; Massachusetts Bonding & Insurance Co. v. Bankers' Surety Co., 96 Ind.App. 250, 179 N.E. 329, 334.

This term is employed to designate persons who act under a special agency, or a special letter of attorney, so that they are appointed *in fact* *um*, for the deed, or special act to be performed; but in a more extended sense it includes all other agents employed in any business, or to do any act or acts *in pais* for another. Bacon, Abr. *Attorney*; Story, Ag. § 25.

—Attorney of record. Attorney whose name must appear somewhere in permanent records or files of case, or on the pleadings or some instrument filed in the case, or on appearance docket. Delaney v. Husband, 64 N.J.L. 275, 45 A. 265. Person whom the client has named as his agent upon whom service of papers may be made. Reynolds v. Reynolds, 21 Cal.2d 580, 134 P.2d 251, 254.

—Attorney of the wards and liveries. In English law. This was the third officer of the duchy court. Bac.Abr. "Attorney."

—Attorney's certificate. In English practice, a certificate of the commissioners of stamps that the attorney therein named has paid the annual tax or duty. This must be renewed yearly; and the penalty for practising without such certificate is fifty pounds; Stat. 37 Geo. III. c. 90, §§ 26, 28, 30. See also 7 & 8 Vict. c. 73, §§ 21-26; 16 & 17 Vict. c. 63.

—Attorney's lien. See Attorney's Lien.

—Letter of attorney. A power of attorney; a written instrument by which one person constitutes another his true and lawful attorney, in order that the latter may do for the former, and in his place and stead, some lawful act. People v. Smith, 112 Mich. 192, 70 N.W. 466, 67 Am.St.Rep. 392. An instrument of writing, appointing an attorney in fact for an avowed purpose and setting forth his powers and duties. Mullins v. Commonwealth, 179 Ky. 71, 200 S.W. 9, 11. It is, in effect, a mere contract of agency. Filtsch v. Bishop, 118 Okl. 272, 247 P. 1110, 1111. A *general* power authorizes the agent to act generally in behalf of the principal. A *special* power is one limited to particular acts.

—Power of attorney. Commonly meant the instrument by which authority of one person to act in place and stead of another as attorney in fact is set forth. In re Katz' Estate, 274 N.Y.S. 202, 152 Misc. 757.

—Public attorney. A name sometimes given to an attorney at law, as distinguished from a *private* attorney, or attorn-

tors and administrators. *Conley v. Jamison*, 205 Iowa 1326, 219 N.W. 485, 486, 59 A.L.R. 835.

LAWING OF DOGS. The cutting several claws of the forefeet of dogs in the forest, to prevent their running at deer. *Expeditation (q. v.)*.

LAWLESS. Not subject to law; not controlled by law; not authorized by law; not observing the rules and forms of law. See *Arkansas v. Kansas & T. Coal Co.*, C.C.Ark., 96 F. 362.

LAWLESS COURT. An ancient local English court, said to have been held in Essex once a year, at cock-crowing, without a light or pen and ink, and conducted in a whisper. *Jacob*.

LAWLESS MAN. An outlaw.

LAWNDE, LOWNDE. In old English law. A plain between woods. *Co. Litt.* 5b.

LAWS. Rules promulgated by government as a means to an ordered society. *Miami Laundry Co. v. Florida Dry Cleaning & Laundry Board*, 134 Fla. 1, 183 So. 759, 764, 119 A.L.R. 956. Session laws or statutes and not decisions of court. *State ex rel. Helena Allied Printing Council v. Mitchell*, Mont., 105 Mont. 326, 74 P.2d 417, 425. See, also, *Law*.

LAWS OF ANOTHER STATE. Statutory laws and laws established by judicial decisions. *Holderness v. Hamilton Fire Ins. Co. of New York*, D.C.Fla., 54 F.Supp. 145, 146.

LAWS OF THE SEVERAL STATES. As used in conformity act, means local statutes and decisions construing them, not decisions relating to matters of general jurisprudence. *Ford v. Grocers' Mut. Ins. Co.*, D.C.Pa., 4 F.Supp. 911, 913. As used in statute requiring federal courts to apply laws of the several states, includes not only state statutory law, but also state decisions on questions of general law. *Erie R. Co. v. Tompkins*, N.Y., 304 U.S. 64, 58 S.Ct. 817, 822, 82 L.Ed. 1188, 114 A.L.R. 1487.

LAWS OF OLERON. See *Oleron*, *Laws of*.

LAWS OF WAR. See *War*.

LAWS OF WISBY. See *Wisby*, *Laws of*.

LAWSUIT. A vernacular term for a suit, action, or cause instituted or depending between two private persons in the courts of law. A suit at law or in equity; an action or proceeding in a civil court; a process in law instituted by one party to compel another to do him justice. *Shepherd v. Standard Motor Co.*, 263 Ky. 329, 92 S.W.2d 337.

LAWYER. A person learned in the law; as an attorney, counsel, or solicitor; a person licensed to practice law.

Any person who, for fee or reward, prosecutes or defends causes in courts of record or other judicial tribunals of the United States, or of any of the states, for whose business it is to give legal advice in relation to any cause or matter whatever. Act of July 13, 1866, § 9, (14 St. at Large, 121.)

LAY, n. A share of the profits of a fishing or whaling voyage, allotted to the officers and sea-

men, in the nature of wages. *Coffin v. Jenkins*, 5 Fed.Cas. 1190; *Thomas v. Osborn*, 19 How. 33, 15 L.Ed. 534.

LAY, adj. Relating to persons or things not clerical or ecclesiastical; a person not in ecclesiastical orders. Also non-professional.

LAY, v. To state or allege in pleading.

LAY CORPORATION. See *Corporation*.

LAY DAMAGES. To state at the conclusion of the declaration the amount of damages which the plaintiff claims.

LAY DAYS. In the law of shipping. Days allowed to charter-parties for loading and unloading the cargo. 3 Kent, Comm. 202, 203.

LAY FEE. A fee held by ordinary feudal tenure, as distinguished from the ecclesiastical tenure of *frankalmoign*, by which an ecclesiastical corporation held of the donor. The tenure of *frankalmoign* is reserved by St. 12 Car. II., which abolished military tenures. 2 Bl.Comm. 101.

LAY IMPROPRIATOR. In English ecclesiastical law. A lay person holding a *spiritual* appropriation. 3 Steph.Comm. 72.

LAY INVESTITURE. In ecclesiastical law. The ceremony of putting a bishop in possession of the temporalities of his diocese.

LAY JUDGE. A judge who is not learned in the law, i. e., not a lawyer; formerly employed in some of the states as assessors or assistants to the presiding judges in the nisi prius courts or courts of first instance.

LAY OUT. This term has come to be used technically in highway laws as embracing all the series of acts necessary to the complete establishment of a highway. *Graham County v. Dowell*, 50 Ariz. 221, 71 P.2d 1019, 1020; *Hitchcock v. Aldermen of Springfield*, 121 Mass. 382; *Mansur v. County Com'rs*, 83 Me. 514, 22 A. 358. See *Borrowdale v. Board of County Com'rs of Socorro County*, 23 N.M. 1, 163 P. 721, 723, L.R.A.1917E, 456; *Patterson v. City of Baltimore*, 130 Md. 645, 101 A. 589, 591.

LAY PEOPLE. Jurymen.

LAY SYSTEM. As applied to fishing vessels, the fish caught are sold at auction and from the proceeds is deducted charges for supplies furnished and balance distributed to the master and the crew. *The Dirigo First*, D.C.Mass., 60 F.Supp. 675.

LAYE. L. Fr. Law.

LAYING THE VENUE. Stating in the margin of a declaration the county in which the plaintiff proposes that the trial of the action shall take place.

LAYMAN. One of the people, and not one of the clergy; one who is not of the legal profession; one who is not of a particular profession.

LAYOFF. A termin will of employer. In

18a U.S. Code Rule 9. Arrest Warrant or Summons on an Indictment or Information

U.S. Code Notes

(a) **ISSUANCE.**

The court must issue a warrant—or at the government's request, a summons—for each defendant named in an indictment or named in an information if one or more affidavits accompanying the information establish probable cause to believe that an offense has been committed and that the defendant committed it. The court may issue more than one warrant or summons for the same defendant. If a defendant fails to appear in response to a summons, the court may, and upon request of an attorney for the government must, issue a warrant. The court must issue the arrest warrant to an officer authorized to execute it or the summons to a person authorized to serve it.

(b) **FORM.**

(1) **Warrant.** The warrant must conform to Rule 4(b)(1) except that it must be signed by the clerk and must describe the offense charged in the indictment or information.

(2) **Summons.** The summons must be in the same form as a warrant except that it must require the defendant to appear before the court at a stated time and place.

(c) **EXECUTION OR SERVICE; RETURN; INITIAL APPEARANCE.**

(1) *Execution or Service.*

(A) The warrant must be executed or the summons served as provided in Rule 4(c)(1), (2), and (3).

(B) The officer executing the warrant must proceed in accordance with Rule 5(a)(1).

(2) **Return.** A warrant or summons must be returned in accordance with Rule 4(c)(4).

(3) **Initial Appearance.** When an arrested or summoned defendant first appears before the court, the judge must proceed under Rule 5.

(d) **WARRANT BY TELEPHONE OR OTHER MEANS.**

In accordance with Rule 4.1, a magistrate judge summons based on information communicated by electronic means.

Att. #10

18 U.S. Code § 912. Officer or employee of the United States

U.S. Code Notes

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

Att. #11

18 U.S. Code § 2234. Authority exceeded in executing warrant

U.S. Code	Notes
<u>18 U.S. Code § 2234</u>	Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 803; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498; Pub. L. 107-273, div. B, title III, § 3002(a)(3), Nov. 2, 2002, 116 Stat. 1805.)

Att. #12

18 U.S. Code § 2236. Searches without warrant

U.S. Code	Notes
	<p>Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, <u>searches any private dwelling used and occupied as such dwelling without a warrant directing such search,</u> or <u>maliciously and without reasonable cause searches any other building or property without a search warrant,</u> shall be fined under this title for a first offense; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.</p> <p>This section shall not apply to any person—</p> <ul style="list-style-type: none">(a) serving a warrant of arrest; or(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or(c) making a search at the request or invitation or with the consent of the occupant of the premises. <p>(June 25, 1948, ch. 645, <u>62 Stat. 803</u>; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, <u>110 Stat. 3498</u>; Pub. L. 107-273, div. B, title IV, § 4002(d)(1)(C)(iii), Nov. 2, 2002, <u>116 Stat. 1809</u>.)</p>

Att. #13

18 U.S. Code § 3041. Power of courts and magistrates

U.S. Code Notes

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States magistrate judge, or by any chancellor, judge of a supreme or superior court, chief or first judge of the common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or magistrate judge shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 89-465, § 5(a), June 22, 1966, 80 Stat. 217; Pub. L. 90-578, title III, § 301(a)(1), (3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 98-473, title II, § 204(a), Oct. 12, 1984, 98 Stat. 1985; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

Att. #14

18 U.S. Code § 3052. Powers of Federal Bureau of Investigation

U.S. Code Notes

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(June 25, 1948, ch. 645, 62 Stat. 817; Jan. 10, 1951, ch. 1221, § 1, 64 Stat. 1239.)

Att. #15



Most Wanted

[Ten Most Wanted](#)
[Fugitives](#)
[Terrorism](#)
[Kidnappings/Missing Persons](#)
[Seeking Information](#)
[Bank Robbers](#)
[ECAP](#)
[VICAP](#)

News

[Stories](#)
[Videos](#)
[Press Releases](#)
[Speeches](#)
[Testimony](#)
[Podcasts and Radio](#)
[Photos](#)
[Español](#)
[Apps](#)

What We Investigate

[Terrorism](#)
[Counterintelligence](#)
[Cyber Crime](#)
[Public Corruption](#)
[Civil Rights](#)
[Organized Crime](#)
[White-Collar Crime](#)
[Violent Crime](#)
[WMD](#)

Services

[CJIS](#)
[CIRG](#)
[Laboratory Services](#)
[Training Academy](#)
[Operational Technology](#)
[Information Management](#)

About

[Mission & Priorities](#)

Reportedly coined in 1939, the term white-collar crime is now synonymous with the full range of frauds committed by business and government professionals. These crimes are characterized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. The motivation behind these crimes is financial—to obtain or avoid losing money, property, or services or to secure a personal or business advantage.

These are not victimless crimes. A single scam can destroy a company, devastate families by wiping out their life savings, or cost investors billions of dollars (or even all three). Today's fraud schemes are more sophisticated than ever, and the FBI is dedicated to using its skills to track down the culprits and stop scams before they start.

The FBI's white-collar crime work integrates the analysis of intelligence with its investigations of criminal activities such as public corruption, money laundering, corporate fraud, securities and commodities fraud, mortgage fraud, financial institution fraud, bank fraud and embezzlement, fraud against the government, election law violations, mass marketing fraud, and health care fraud. The FBI generally focuses on complex investigations—often with a nexus to organized crime activities—that are international, national, or regional in scope and where the FBI can bring to bear unique expertise or capabilities that increase the likelihood of successful investigations.

FBI special agents work closely with partner law enforcement and regulatory agencies such as the Securities and Exchange Commission, the Internal Revenue Service, the U.S. Postal Inspection Service, the Commodity Futures Trading Commission, and the Treasury Department's Financial Crimes Enforcement Network, among others, targeting sophisticated, multi-layered fraud cases that harm the economy.

Major Threats & Programs

Corporate Fraud

Corporate fraud continues to be one of the FBI's highest criminal priorities—in addition to causing significant financial losses to investors, corporate fraud has the potential to immeasurable damage to the U.S. economy and investor confidence. As the lead agency investigating corporate fraud, the Bureau focuses its efforts on cases that involve a schemes, self-dealing by corporate executives, and obstruction of justice.

Att. #16.2

28 U.S. Code § 516. Conduct of litigation reserved to Department of Justice

U.S. Code	Notes
	<p>Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.</p> <p>(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)</p>

Att. #17

28 U.S. Code § 547. Duties

U.S. Code Notes

Except as otherwise provided by law, each United States attorney, within his district, shall—

- (1) prosecute for all offenses against the United States;
 - (2) prosecute or defend, for the Government, all civil actions suits or proceedings in which the United States is concerned;
 - (3) appear in behalf of the defendants in all civil actions suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;
 - (4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and
 - (5) make such reports as the Attorney General may direct.
- (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618.)

Att. #18

1 U.S. Code § 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

U.S. Code Notes

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) UNITED STATES CODE.—

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(b) DISTRICT OF COLUMBIA CODE.—

The matter set forth in the edition of the Code of the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

(c) DISTRICT OF COLUMBIA CODE; CITATION.—

The Code of the District of Columbia may be cited as "D.C. Code".

(d) SUPPLEMENTS TO CODES; CITATION.—

Supplements to the Code of Laws of the United States and to the Code of the District of Columbia may be cited, respectively, as "U.S.C., Sup. ", and "D.C. Code, Sup. ", the blank in each case being filled with Roman figures denoting the number of the supplement.

(e) NEW EDITION OF CODES; CITATION.—

New editions of each of such codes may be cited as "U.S.C., ed. ", and "D.C. Code, ed. ", the blank in each case being filled with Roman figures denoting the last year the legislation of which is included.

Att. #19

1 U.S. Code § 112. Statutes at Large; contents; admissibility in evidence

U.S. Code Notes

The Archivist of the United States shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Archivist of the United States issued in compliance with the provision contained in section 106b of this title. In the event of an extra session of Congress, the Archivist of the United States shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(July 30, 1947, ch. 388, 61 Stat. 636; Sept. 23, 1950, ch. 1001, § 1, 64 Stat. 979; Oct. 31, 1951, ch. 655, § 3, 65 Stat. 710; Pub. L. 98-497, title I, § 107(d), Oct. 19, 1984, 98 Stat. 2291.)

Att. #20

18 U.S. Code § 1001. Statements or entries generally

U.S. Code	Notes
	<p>(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—</p> <p>(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;</p> <p>(2) makes any materially false, fictitious, or fraudulent statement or representation; or</p> <p>(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;</p> <p>shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in <u>section 2331</u>), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.</p> <p>(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.</p> <p>(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—</p> <p>(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or</p> <p>(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.</p>

Att. #21

22 U.S. Code § 7102 - Definitions

U.S. Code Notes

In this chapter:

(1) ABUSE OR THREATENED ABUSE OF LAW OR LEGAL PROCESS

The term "abuse or threatened abuse of the legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES

The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(3) COERCION The term "coercion" means—

- (A)** threats of serious harm to or physical restraint against any person;
- (B)** any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C)** the abuse or threatened abuse of the legal process.

Att. #22

§ 1-206. Presumptions.

Whenever the Uniform Commercial Code creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

< § 1-205. Reasonable time; Seasonableness. up **PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES** >

Att. #23

18 U.S. Code § 3231. District courts

U.S. Code	Notes
<p>18 U.S. Code § 3231</p>	<p>The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.</p> <p>Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.</p> <p>(June 25, 1948, ch. 645, 62 Stat. 826.)</p>

Att. #24

Standing

Overview

Standing, or *locus standi*, is capacity of a party to bring suit in court.

Standing in State Court

A state's statutes will determine what constitutes standing in that particular state's courts. These typically revolve around the requirement that plaintiffs have sustained or will sustain direct injury or harm and that this harm is redressable.

Standing in Federal Court

At the federal level, legal actions cannot be brought simply on the ground that an individual or group is displeased with a government action or law. Federal courts only have constitutional authority to resolve actual disputes (see Case or Controversy).

In Lujan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992), the Supreme Court created a three-part test to determine whether a party has standing to sue:

1. The plaintiff must have suffered an "injury in fact," meaning that the injury is of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent
2. There must be a causal connection between the injury and the conduct brought before the court
3. It must be likely, rather than speculative, that a favorable decision by the court will redress the injury

Further Reading

For Supreme Court decisions focusing on the "standing" issue, see, e.g., County of Riverside v. McLaughlin, 500 U.S. 44 (1991), Northeastern Fla. Chapter of the Associated Gen. Contractors v. City of Jacksonville, 508 U.S. 656 (1993) and Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992).

Att. #25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE KNOXVILLE DIVISION

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE
USM#52505-074

JUDGMENT IN A CRIMINAL CASE
(For Offenses committed on or after November 1, 1987)

Case Number: **3:17-CR-00082-TAV-DCP(1)**

Randall Keith Beane, pro se
Stephen G McGrath
Defendant's Elbow Counsel

THE DEFENDANT:

- ☐ pleaded guilty to count(s):
☐ pleaded nolo contendere to count(s) which was accepted by the court.
☒ was found guilty on count(s) 1-7 of the Indictment after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section and Nature of Offense	Date Violation Concluded	Count
18 U.S.C. § 1343 - Wire Fraud	07/11/2017	1-5
18 U.S.C. § 1344 - Bank Fraud	07/11/2017	6
18 U.S.C. § 1956(h) - Conspiracy to Commit Money Laundering	07/11/2017	7

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. 3553.

- ☐ The defendant has been found not guilty on count(s).
☐ All remaining count(s) as to this defendant are dismissed upon motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

July 24, 2018

Date of Imposition of Judgment

s/ Thomas A. Varlan

Signature of Judicial Officer

Thomas A Varlan , United States District Judge

Name & Title of Judicial Officer

Att. #26.1

July 24, 2018

Date

DEFENDANT: RANDALL KEITH BEANE
CASE NUMBER: 3:17-CR-00082-TAV-DCP(1)

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments sheet of this judgment.

	Assessment	JVTA Assessment*	Fine	Restitution
TOTALS	\$700.00	\$0.00	\$0.00	\$510,589.02

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution of \$510,589.02 to:

USAA BANK
10750 W. INTERSTATE 10
SAN ANTONIO, TX 78288

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options under the Schedule of Payments sheet of this judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- | | | |
|--|-------------------------------|--|
| <input checked="" type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Att. #26.2

DEFENDANT: RANDALL KEITH BEANE
CASE NUMBER: 3:17-CR-00082-TAV-DCP(1)

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payments of \$ 511,289.02 due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to U.S. District Court, 800 Market Street, Suite 130, Howard H. Baker, Jr. United States Courthouse, Knoxville, TN, 37902. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ **Joint and Several**
 See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
☐ The defendant shall pay the cost of prosecution.
☐ The defendant shall pay the following court cost(s):
☒ The defendant shall forfeit the defendant's interest in the following property to the United States: as set forth in the Preliminary Order of Forfeiture (doc. 224) entered July 24, 2018.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

Att. #26.3

Article III.

Section. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,— between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Att. #27

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Att. #28

T E S T I M O N Y

Of

P A R K E R S T I L L

Before the

G R A N D J U R Y

Impaneled February, 2017

And Convened in

THE EASTERN DISTRICT OF TENNESSEE

Meeting in

Grand Jury Room
Howard H. Baker, Jr. Federal Courthouse
800 Market Street
Knoxville, Tennessee

* * * * *

Testimony July 18, 2017

Examination Conducted by:

CYNTHIA DAVIDSON
Assistant United States Attorney
800 Market Street
Knoxville, Tennessee

ORIGINAL

KENNEDY REPORTING SERVICES
205 NORTH 20TH STREET
SUITE 408
BIRMINGHAM, ALABAMA 35203

Att. #29.1

1 999,000. Y'all have to forgive me, I am lawyer, so these
2 numbers run together.

3 Nine nine nine comma, zero, zero, zero, that's
4 the -- that's the two CDs that were actually funded, yes,
5 ma'am.

6 Q And so what appeared once these CDs were funded?

7 A Okay. Once these CDs were funded Mr. Beane then
8 proceeded to liquidate the CDs, cash them out early,
9 incurring a penalty for doing so because they were 30-day
10 CDs.

11 So he incurs a penalty and then takes that --
12 the money from the CD and moves it into his personal bank
13 account at USAA.

14 Q And then what did he do with these funds?

15 A The funds were then used for basically personal
16 expenses. One -- a portion of the funds -- approximate --
17 the exact number, four nine three one ten sixty-eight,

18 \$493,110.68, was used to purchase a 2017 Integra Cornerstone
19 45 foot motor home.

20 And then additional funds from what USAA
21 provided us were used to pay off -- you know, pay insurance
22 needs, pay off, you know, USAA credit cards and that type of
23 stuff within the USAA system, yes, ma'am.

24 Q And what happened to the one, t/

25 A USAA was able to freeze a signi

Att. #29.2

1 Q And since Mr. Beane was arrested by the FBI; is
2 that correct?

3 A He was arrested. Just to clarify, he was
4 arrested by us on -- he had an outstanding warrant on a
5 state charge.

6 Q And since that arrest have -- has Ms.
7 Tucci-Jarraf or however you say her name, have things been
8 posted online regarding that?

9 A Yes, ma'am. We've seen a video now, a video and
10 audio where she explains about Mr. Beane obtaining CDs,
11 cashing them out early, which I would say to the Grand Jury
12 that that shows knowledge.

13 Q Yes.

14 A And she admits to following along to make sure
15 everything is running well and preparing legal documents.

16 She stated that the coach deal, I say -- when
17 she says coach deal, I take that to mean the motor coach
18 purchased from Buddy Gregg was successful and homes were
19 going to be next.

20 Based on my investigative experience that, to me
21 means that, they had success on this type of transaction.
22 They were going to try to do something with real property
23 next.

24 She stated in there that Beane
25 the scheme out and see what the road bumps

Att. #29.3

1 do you want us to just step out.

2 A JUROR: I've got one question.

3 In other words, he opened these CDs with ghost
4 funds and then he got real funds.

5 And based on memory there was about \$40,000 that
6 they didn't recover; is that right?

7 MS. DAVIDSON: No. There was about -- I think
8 it's closer to the amount of the five -- it's more than
9 500,000.

10 THE JUROR: Oh, yeah, but I mean --

11 MS. DAVIDSON: Because all of the money that
12 went to Whitney Bank for the motor home is gone?

13 THE JUROR: Right, right.

14 MS. DAVIDSON: Because that was a, you know, a
15 bona fide purchaser.

16 THE WITNESS: I think it will be a big benefit
17 to show this, this full transaction sheet that's been
18 provided to me by USAA for the benefit. You can see -- it's
19 just easy to see the money coming in and how it went right
20 out. I think it would be a benefit to answer your question,
21 sir, and anybody else's. Just give me one second.

22 MS. DAVIDSON: So they have lost over 500,000.

23 If you'll look at the forfeiture allegations the
24 thing that -- this is where we get the
25 seeking in money judgment. It's \$553

Att. #29.4

1 clear.

2 Not only have you reviewed these records, but,
3 you know, the USAA fraud investigator has reviewed these
4 extensively and relayed all the information that you've
5 previously testified about?

6 A Right. I rely on it --

7 Q And so with bringing out these records, which
8 are extremely confusing, we're only just trying to answer
9 your question. So --

10 A Well -- so just moving up you'll see -- let's go
11 into --

12 Q See those right there.

13 A Right. On 7-6 transfer from CD.

14 Can everybody see those?

15 A JUROR: Yes.

16 THE WITNESS: So there. And then right below it
17 -- again, this is kind of -- I understand how confusing this
18 is, but right below it you'll see the transfer out of the
19 450 and the 500,000, 450,000 and 50,000, also on 7-6.

20 Does everybody see that?

21 A JUROR. Uh-huh (affirmative response).

22 THE WITNESS: Okay. I'm going to switch us to
23 another account. Bear with me.

24 Q (By Ms. Davidson) Show the ac

25 A I'll show you this account nu

Att. #29.5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME I of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 23, 2018
9:16 a.m. to 5:00 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
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800 Market Street
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**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
Blount County Detention Center
920 East Lamar Alexander Parkway
Maryville, Tennessee 37904

**FOR THE DEFENDANT:
(As Elbow Counsel)**

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REPORTED BY:

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P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #30.1

Parker Still - Cross-Examination

1 and then I think there was some kind of maybe IP logs that
2 showed a -- where, you know -- just IP logs.

3 Q And that is what you used to make a determination
4 that a -- when you were working on an affidavit for the
5 warrant, because you have to basically have an application of
6 affidavit, an affidavit application for a warrant in order for
7 a warrant to be issued. Is that correct?

8 A You have -- yeah, well you have an affidavit that we
9 swear to, you know, facts, and then, yeah, it's -- yes, ma'am.
10 You would then, I guess, you -- yeah, there is an application,
11 an affidavit, and then you ultimately get an order from the
12 court -- from the magistrate judge, yes, ma'am.

13 But I'm not just working on that. I mean, we are
14 working on this from multiple angles. We've got people looking
15 into the background. We've got people -- like I said, I'm
16 working on the affidavit. We're trying to get calls in to USAA
17 to understand more detail.

18 Like I said, we were working on the affidavit. It is
19 not a finished product at this time. We are working on it. We
20 have credible, reliable information from one of the, you know,
21 a large financial -- United States financial institution that a
22 theft has occurred. And we are conducting an investigation
23 accordingly and reacting accordingly. Have no reason to doubt

24 USAA's information that they provided to us.

25 Q So at that point, you had determined that USAA Bank

UNITED STATES DISTRICT COURT

Att. #30.2

Parker Still - Cross-Examination

1 you stop the lawful process, the criminal procedures you're
2 supposed to follow in order to have a warrant to be able to
3 arrest someone? What -- who called you with that information
4 that had you abandon protocols and process?

5 A I never --

6 Q For what you had stated was to protect victim and
7 asset?

8 A The argument that I abandoned protocols and process,
9 I strongly disagree with. I did not abandon anything. We
10 have -- we can make a probable cause arrest based on
11 information.

12 Just like tonight if I see a shoplifter running down
13 the aisle at Walmart, I can tackle them. You know, I can make
14 a probable cause arrest in Tennessee.

15 So let's -- I didn't abandon any type of protocols or
16 anything. Our job is to stop criminal activity. So I strongly
17 disagree with that assumption that we abandoned anything.

18 I was working on a seizure warrant. That is correct.

19 At the time I was working on a seizure warrant in coordination

20 with the U.S. Attorney's Office. Once the facts changed, and

21 Mr. Beane starts -- is -- plans to leave in that motor home or

22 it's going to be -- the keys are going to be turned over to him

23 at Buddy Gregg, we had to react. There was not time for me to

24 get in front of the magistrate judge. There was not time for

25 me to finish an affidavit. We had to react at the time.

UNITED STATES DISTRICT COURT

Att. #30.3

Parker Still - Cross-Examination

1 to jail.

2 Q Did you ever provide a copy of that alleged South
3 Carolina outstanding warrant to Ms. Davidson or anyone on
4 the -- at the DOJ?

5 A You know, I would have to look back on it. What we
6 normally do is we turn our file -- our discovery file over to
7 the prosecutors.

8 Q Okay. On July 11th, prior to or at any moment, did
9 you ever present a warrant to Mr. Beane or the other
10 unidentified male and unidentified female that you found in
11 that vehicle? Did you ever present an actual paper warrant or
12 electronic warrant to any of those three?

13 A No, ma'am. And I -- I don't -- I mean, that's -- I
14 think that's some of TV stuff where we serve people, put a
15 warrant in their hands. You know, that's -- I don't -- that's
16 just not general practice where you would, you know, serve
17 someone -- hand someone a warrant, generally.

18 Q Okay.

19 A I'm not saying it doesn't happen. I'm just saying,
20 you know, the fact that we -- you know, we've made -- you know,
21 we have -- it's a team effort. We rely on information that is
22 provided to us, and we go out and we do our jobs. And on that
23 day --

24 Q Sorry.

25 A Oh, go ahead.

UNITED STATES DISTRICT COURT

Att. #30.4

Parker Still - Cross-Examination

1 not know who all -- you know, we don't -- it's -- we're
2 reacting to a situation. We do not know what -- you know, if
3 there's other people involved. We just don't know. We have to
4 make that arrest, get him cuffed up.

5 He was -- he did, as you said, he obtained a cut on
6 his head. We had an EMT, Jason, who was at the scene, is an
7 agent who's also an EMT and he treated him immediately. Also,
8 we called an ambulance just to be on the safe side, and
9 Mr. Beane refused treatment.

10 Q When -- after he received the head injury, he refused
11 treatment?

12 A I disagree with that -- I don't know -- I mean, an
13 injury, he got a cut on his head.

14 Q 302 that he had a head injury. The actual -- okay.
15 Let's step aside from that. When you approached the vehicle,
16 were weapons drawn?

17 A I don't recall a weapon being drawn, no, ma'am. I
18 don't --

19 Q How many officers were there?

20 A At the time, there were initially four total FBI
21 agents that were there at the scene.

22 Q And supporting officers, how many?

23 A Got there a little bit later. There were some Knox
24 County deputies that arrived and some of our task force
25 officers.

UNITED STATES DISTRICT COURT

Att. #30.5

Monica Alcala - Direct Examination

1 A Yes.

2 Q And what did he call this funding account?

3 A It was listed as trust.

4 Q Okay. And what was the routing number of that
5 funding account?

6 A I don't have the exact number, but it was for the
7 Federal Reserve Bank.

8 Q And what was the account number?

9 A The account number was Randall Beane's Social
10 Security number.

11 Q So his actual -- his actual Social Security number?

12 A Yes.

13 Q So Federal Reserve routing number and then his actual
14 Social Security number on July 3rd?

15 A Correct.

16 Q Okay. And so once he added that funding account,
17 what did he do?

18 A He used that account to pay -- to completely pay off
19 the four loans, to pay off his credit card, and to pay his auto
20 insurance in full.

21 Q Okay. And so he added this account, and then made
22 all these payments. Is that an instantaneous process? Does --
23 when he adds this account, is the money immediately sucked out
24 of whatever he put on the website?

25 A The account is added. And to pay your bills, it

UNITED STATES DISTRICT COURT

Att. #30.6

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

VOLUME II of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 24, 2018
9:09 a.m. to 5:16 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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ANNE-MARIE SVOLTO, ESQUIRE
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**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
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**FOR THE DEFENDANT:
(As Elbow Counsel)**

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REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
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Knoxville, Tennessee 37901-1823

Att. #31.1

Monica Alcala - Continued Direct Examination

1 A ENALRR67@Gmail.com.

2 Q Okay. And member number?

3 A 40540949.

4 Q Social Security number?

5 A 243-39-1135.

6 Q Okay. And let's go to the -- David, if you can, to
7 the information regarding -- no, not that. I'm sorry. If you
8 could go to the information regarding -- okay. Go to the
9 second page of this exhibit, please.

10 Okay. And tell me what is the initial deposit.

11 A 500,000.

12 Q Okay. And what is the routing number?

13 A That's the Federal Reserve routing number.

14 Q And what is the funding number -- I mean, I'm sorry,
15 the funding account number?

16 A It's 244391135.

17 Q Okay. So did you do a spreadsheet of all the CDs
18 that the defendant attempted to purchase in this way on -- or
19 did purchase in this way from July 5th through July 7th?

20 A I did.

21 Q Would this spreadsheet assist you in your testimony?

22 A Yes, it will.

23 Q Okay. If you could pull up Government's Exhibit 2.

24 Okay. Explain to the jury what's contained -- first
25 of all, is this for Randall Beane's account?

UNITED STATES DISTRICT COURT

Att. #31.2

Monica Alcala - Continued Direct Examination

1 and how people can use the Treasury -- the routing number, the
2 Federal Reserve routing number and your social to pay your
3 bills.

4 Q Okay. During the theft from the defendant, Randall
5 Keith Beane, roughly July 30 -- I'm sorry, July 3rd, 2017
6 through July 10th, 2017, was USAA Bank FDIC insured?

7 A Yes.

8 Q Okay. Total amount of CDs purchased by Randall Beane
9 using the routing number of the Federal Reserve Bank and the
10 bad account number?

11 A There were 32 successfully opened CDs.

12 Q And what was the amount of the -- that were funded?

13 A It was over \$31 million.

14 Q So if I told you the number was \$31,000,494.974
15 [sic], would that sound right?

16 A That sounds right.

17 Q Okay. You talked a little bit about USAA trying to
18 claw the money back?

19 A Yes.

20 Q What's the total loss to USAA Bank based on this
21 fraud scheme?

22 A Right now the consumer loans are in default about
23 \$25,000, the credit cards are in default about another 25,000,
24 and then the checking amount, over 500,000, so over \$550,000.

25 MS. DAVIDSON: May I have a moment, Your Honor.

UNITED STATES DISTRICT COURT

Att. #31.3

Jaron Patterson - Cross-Examination

1 Q Is there a reason why you didn't take a record of a
2 screenshot of the entire post?

3 A I don't recall why, no.

4 Q Okay. Were you at the event at Buddy Gregg's on
5 July 11th, 2017?

6 A I was.

7 Q Okay. You were one of the arresting officers?

8 A No. I wasn't an arresting officer, but I was there.

9 Q You were on the scene. Okay. Do you know if there
10 was a warrant on the premises?

11 A On the premises?

12 Q Did you -- did the task force that went to Buddy
13 Gregg that day?

14 A The FBI personnel who went to the scene did -- were
15 all aware there was an active arrest warrant for Randall Beane,
16 but there were no -- I don't know what you mean by "on the
17 premises." Did we have a warrant for the premises?

18 Q No. Did you have a warrant for Mr. Beane with you?

19 A I didn't have one with me, but we had knowledge there
20 was an active arrest warrant.

21 Q And per your knowledge, what was -- who issued that
22 active arrest warrant?

23 A I don't recall.

24 Q And what steps, if any, did you take to confirm there
25 was an -- personally, what steps did you take to confirm that

UNITED STATES DISTRICT COURT

Att. #31.4

Jaron Patterson - Cross-Examination

1 there was an active outstanding warrant?

2 A Law enforcement personnel confirmed it, acting on
3 good faith with other law enforcement officers.

4 Q And you said law enforcement, someone in the law
5 enforcement, who -- which -- because you work for many, or you
6 work with many that you had stated here, FBI, U.S. Marshals?

7 A It would have been FBI.

8 Q Do you know which law enforcement?

9 A It would have been FBI that confirmed.

10 Q So FBI was the one that informed you that there was
11 an outstanding warrant?

12 A Yes.

13 Q Do you remember specifically which FBI agent?

14 A No. I don't.

15 Q And did you receive that information prior to
16 arriving to Buddy Gregg --

17 A Yes.

18 Q -- site? Were you en route or were you in the office
19 when you got that?

20 A We were in the office.

21 Q Is there any reason why you guys didn't pull a copy
22 of that alleged active outstanding warrant?

23 A That's not very common to take a copy.

24 Q So it's not common to take a copy or to have a
25 warrant to show someone that you were arresting?

UNITED STATES DISTRICT COURT

Att. #31.5

Jaron Patterson - Cross-Examination

1 A The original copy would have been with the issuing
2 agency, so it was an out-of-state warrant. The original copy
3 would have been in another state.

4 Q In another state. If there was an outstanding
5 warrant, do you know what kind of outstanding warrant it was?

6 A I don't recall specifically. It was either a failure
7 to appear or -- I don't recall specifically.

8 Q Do you recall it was a felony warrant or --

9 A I don't.

10 Q -- misdemeanor?

11 A I don't recall, no.

12 Q Are there ways to actually check to see if there's
13 a -- any outstanding warrants, like what's your procedure?

14 A Can either check with the operations center or
15 whoever has access to an NCIC terminal, or you can also
16 physically call the agency who issued it.

17 Q Did you actually call the physical agency?

18 A I did not.

19 Q And did you check with the operations unit to see if
20 they checked the NCIC?

21 A I don't recall if I actually talked to the operations
22 center or if another officer did.

23 Q Are you aware of whether anybody that day that was on
24 the premises at Buddy Gregg had actually contacted the
25 operations center?

UNITED STATES DISTRICT COURT

Att. #31.6

Jaron Patterson - Cross-Examination

1 A I don't recall who did, no.

2 Q Okay. And are you aware of anyone that was at the
3 Buddy Gregg in law enforcement or that was law enforcement at
4 the Buddy Gregg incident on July 7th -- excuse me, July 11th,
5 had actually requested a copy of the physical warrant from the
6 physical agency that issued it?

7 A No, I don't recall that.

8 Q So you're not sure if it was ever -- truly existed?

9 A No.

10 Q Other than relying on the statement of a fellow FBI
11 agent?

12 A Correct.

13 Q Couple final questions.

14 Regarding Facebook, when you went to go get those
15 snapshots, did you have to befriend myself or Mr. Randall to be
16 able to view those or it's just open?

17 A It was just open.

18 Q So anybody anywhere on this planet would be able to
19 see them?

20 A Sure. As long as they had a Facebook account.

21 MS. TUCCI-JARRAF: Thank you.

22 THE WITNESS: You're welcome.

23 THE COURT: Thank you.

24 Cross-examination, Mr. Beane?

25 MR. BEANE: No, thank you.

UNITED STATES DISTRICT COURT

Att. #31.7

6 wanted to -- before he went out west, he wanted to familiarize
7 himself with the motor home.

8 Q And so do you know when he brought the motor home
9 back?

10 A It would have been sometime on Saturday, because we
11 got the key.

12 Q Okay. So Saturday, was that July 8th?

13 A I'd have to look at that. I believe it was, yes.
14 Yeah. Actually, it was, July 8th. And it would have been --
15 he would have left, the day that the wire came through is the
16 day that the motor home was taken possession of.

17 Q So then after Mr. Beane came in and after he brought
18 the motor coach home, did you guys do any warranty work?

19 A It wasn't -- it was never brought home. It left the
20 premises and came directly back.

21 Q Okay.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME III of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 25, 2018
9:08 a.m. to 4:50 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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ANNE-MARIE SVOLTO, ESQUIRE
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REPORTED BY:

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Official Court Reporter
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P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #32.1

Jerald Byrne - Recross-Examination

1 A All they had was -- was the collateral that -- that
2 USAA felt that they owned, so ...

3 Q But the funds had proven to be legitimate?

4 A The funds had cleared our account.

5 Q Okay. Who convinced you -- at some point, you said
6 that you felt comfortable with me as a customer, and you wanted
7 to protect me as a customer. Who convinced you otherwise to
8 let you believe that I had committed a crime to the point where
9 you allowed the FBI on the property to ambush me, basically?

10 A Well, it wasn't a convincing of anything. It's
11 called obstruction of justice. I'm not going to get involved.
12 My main goal is to keep our customers satisfied and safe.
13 Okay. When someone above my authority comes in on that
14 property, I don't get involved until the dust settles.

15 Q Had they been on the property prior to --

16 A Never.

17 Q Never? Just on phone calls?

18 A I'm sorry?

19 Q Just phone calls?

20 A Phone calls.

21 MR. BEANE: All right. I have no further questions.

22 THE COURT: All right. Thank you, Mr. Beane.

23 Ms. Tucci-Jarraf, any recross in response to the
24 redirect?

25 MS. TUCCI-JARRAF: Without prejudice, just brief

UNITED STATES DISTRICT COURT

Att. #32.2

Jerald Byrne - Cross-Examination

1 A Yeah. I mean, it's hard to know how you were
2 feeling, but I know I was feeling kind of confused because too
3 much stuff was going on at once.

4 Q I think we were all trying to -- you know, just kind
5 of -- we didn't know what to do, because we'd never dealt with
6 that before either, none of us.

7 Oh, I did want to ask you, on the extended warranty,
8 is it typical of someone who is -- in all your years in the
9 business, for someone who is planning on turning around and
10 selling the vehicle for profit to buy an extended warranty on
11 it?

12 A I was never under the impression you were trying to
13 sell it for profit.

14 MR. BEANE: Thank you. No further questions.

15 THE COURT: Thank you.

16 Cross-examination?

17 MS. TUCCI-JARRAF: Yes, please.

18 THE COURT: Ms. Tucci-Jarraf.

19 **CROSS-EXAMINATION**

20 BY MS. TUCCI-JARRAF:

21 Q Without prejudice, I have a few questions for you,
22 Mr. Byrne.

23 Mr. Byrne, I'm sorry?

24 A Yes, sir.

25 Q I misrepresented your name.

UNITED STATES DISTRICT COURT

Att. #32.3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME IV of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 26, 2018
9:04 a.m. to 4:32 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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ANNE-MARIE SVOLTO, ESQUIRE
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FOR THE DEFENDANT:
RANDALL BEANE

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REPORTED BY:

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Official Court Reporter
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Att. #33.1

Sean O'Malley - Continued Cross-Examination

1 window.

2 Q So, then, ACH credits are given to USAA in this
3 particular instance. Is that what you're saying?

4 A So in this particular instance, USAA received a
5 credit, but basically what they did is they debited out of the
6 Ginnie Mae's securities account at the Federal Reserve Bank of
7 New York, and they pulled \$30.5 million out of the account in
8 30-some-odd tranches, and each one of those ACH debits that
9 were pulled out of the Ginnie Mae securities had to be returned
10 within a two-day window, and they were, so that USAA -- the
11 funds were taken back out of the USAA account, put back in the
12 Ginnie Mae securities account, and there was no loss to the
13 U.S. government.

14 Q What is Ginnie Mae securities account?

15 A That is the account -- the routing number of the
16 account that was debited.

17 Q Okay. So each routing number of all 12 Federal
18 Reserve Banks, they all go to the Ginnie Mae's securities
19 account?

20 A No. So the ACH fraud started out by people looking
21 up Federal Reserve routing numbers and using those routing
22 numbers to debit or pull money out of those routing numbers.
23 It morphed into looking for any U.S. government routing number
24 and then they started pulling it from the various different
25 routing numbers that we talked about, U.S. -- the Federal

UNITED STATES DISTRICT COURT

Att. #33.2

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Defendants.

Case No. 3:17-cr-82

Monday, January 29, 2018
9:03 a.m. to 5:38 p.m.

ON BEHALF OF THE GOVERNMENT:

ON BEHALF OF THE DEFENDANT RANDALL KEITH
BEANE: (Appearing Pro Se)

REPORTED BY:

Teresa S. Grandchamp, RPR, CRR
P.O. Box 1362
Knoxville, Tennessee 37901
(630) 842-0030

Att. #34.1

1 USAA, did you?

2 A. Yes.

3 Q. You told the Wegners that you were going to
4 talk to someone at USAA Bank in Texas?

5 A. That was the only purpose to go to Texas.

6 Q. And you told that to Alex and Valerie
7 Wegner?

8 A. I did.

9 Q. And so if they said otherwise, if they said
09:11AM 10 that you never mentioned going to USAA, would they
11 be lying?

12 A. Yes, they would be lying.

13 Q. All right. So you're upset at the Wegners
14 right now, aren't you?

15 A. Only at Alex.

16 Q. Only at Alex.

17 A. Yes.

18 Q. Is that because he opened the door to the
19 RV when the FBI arrived?

09:12AM 20 A. Yes.

21 Q. And so you were mad at him for opening the
22 door to the RV?

23 A. Yes.

24 Q. Because you had told him not to open the
25 door; isn't that correct?

Att. #34.2

1 A. I didn't say anything about opening the
2 door.

3 Q. But you didn't think he should have opened
4 the door?

5 A. Not without a warrant.

6 Q. So you had mentioned going to USAA to talk
7 to -- excuse me -- to go to Texas to USAA to talk to
8 someone there, but you knew who to talk to at USAA
9 Bank, didn't you?

09:12AM 10 A. No, ma'am.

11 Q. You didn't know that you should -- that the
12 person who was asking questions about this
13 whole -- these -- all of these transactions was True
14 Brown?

15 A. No. No, at that point, he was identified
16 as an FBI agent.

17 Q. You knew on the call with Buddy Gregg that
18 True Brown was with USAA, and Lauren Palmisano with
19 Whitney Bank gave you that information on that
09:13AM 20 conference call, didn't she?

21 A. Mr. Brown was introduced as an FBI agent to
22 begin with.

23 Q. And when Lauren Palmisano with Whitney Bank
24 discusses with you that she received a call from
25 True Brown while speaking with you and Heather, she

Att. #34.3

1 to the office for?"

2 And so I walked with him to the office.
3 When I walked in, everybody in the office was
4 looking at me. And I just stood there and looked at
5 them. I didn't feel very comfortable.

6 He said, "Have a seat right here." And
7 I said, "Who am I here to see?" He said, "The boss.
8 He's out to lunch." I said, "Well, when he comes
9 back, I'll be in the coach. Have him to come out
11:38AM 10 there and get me."

11 So I walked out. And as soon as I
12 walked out the door, there was a car pulled up with
13 a couple of these agents in. I didn't know they
14 were agents, but I could tell with -- by the suits
15 and ties they had on, they were not customers.

16 So I walked -- I proceeded to go on to
17 the coach, and at that time I was on the telephone
18 with you.

19 So I sat down in the coach and was
11:38AM 20 waiting for it to cool off, and here comes this car
21 pull up in front of the coach blocking it in. And
22 all these fellows get out and run -- come to the
23 door telling me to open the door.

24 And then Alex opens the door and let's
25 them in, and they're coming in telling me I'm under

Att. #34.4

1 arrest; I'm a fugitive out of Colorado, and I'm
2 trying to tell them I've never been to Colorado.

3 Well, they grab me and pulled me
4 outside the coach and start beating me and throwing
5 me on the ground. One of them has got his foot on
6 my head and telling me to -- I'm telling him, "I
7 can't breathe." And he's saying, "You're going to
8 have to breathe."

9 Well, when I did breathe, my mouth was
11:39AM 10 stuck full of dirt and grass because he had my head
11 so far down in the grass, I couldn't do anything.

12 Q. If you can -- is that officer here in this
13 room right now?

14 A. I didn't -- at that point, I think -- I
15 don't see him now. He was in here.

16 This gentleman here known as Mr. Pack
17 who I've pointed to several times, and then
18 Mr. Parker Still.

19 Q. Uh-huh.

11:39AM 20 A. There was a lady who was pregnant and then
21 the bald-headed guy. I don't remember his name.
22 Jimmy Duran or something like that.

23 Q. Okay.

24 A. I think Mr. Duran was the one that was
25 manhandling me the most.

Att. #34.5

1 A. Right.

2 Q. Uh-huh. But to let me speak with them to
3 at least figure their identification --

4 A. Right.

5 Q. -- and their purpose?

6 A. Right.

7 Q. Okay. And then so you could talk to them?

8 A. Exactly.

9 Q. Figure out what's going on?

11:41AM 10 A. Right.

11 Q. Because at that time I told you perhaps it
12 was part of trying to figure out the identity of who
13 was messing around with the accounts?

14 A. Exactly.

15 Q. Uh-huh.

16 A. Exactly.

17 Q. It appears they weren't calm that day?

18 A. They were not calm.

19 Q. They didn't ask to talk to you?

11:41AM 20 A. No, they wouldn't let me talk. They
21 wanted -- they wanted -- it was obvious that they
22 wanted me -- they wanted to manhandle me and they
23 wanted me down.

24 Q. Okay. And you received an injury that day?

25 A. On the back of my head. Of course, you

Att. #34.6

1 know, I'm in handcuffs; so I can't feel it, but I
2 can feel blood trickling.

3 Q. You had stated that and we had heard
4 testimony that it was facedown on the ground.

5 A. Yes, it was facedown.

6 Q. So how did you receive an injury to the
7 back of your head?

8 A. They manhandled me pretty good. They
9 twisted this arm up pretty good (indicating). But I
11:42AM 10 don't remember. There was so much activity going
11 on. Things were flying by. So I don't remember
12 exactly how the back of the head got hurt, but I was
13 hurting all over. I had a black eye and --

14 Q. Okay.

15 A. -- several bruises all over my body after a
16 couple days.

17 Q. Did they offer you medical attention?

18 A. They -- they amazingly had an ambulance
19 pull up and ask me to -- if I wanted to be looked
11:42AM 20 at, and I told them no.

21 Q. So an ambulance was already present
22 before --

23 A. I mean, the ambulance --

24 Q. -- you came out of the RV?

25 A. -- pulled up during the arrest.

Att. #34.7

1 Q. Oh, okay. I see what you're saying.

2 The ambulance arrived while you were
3 being arrested?

4 A. Yes.

5 Q. And -- I'm sorry -- I didn't hear your
6 answer. Did you get medical attention?

7 A. No.

8 Q. Did you refuse the medical attention?

9 A. Yes, I did.

11:43AM 10 Q. Okay. After that, did they put you into a
11 patrol car?

12 A. No, at that point, they -- they pulled my
13 pants down around my waist and made me stand there
14 in handcuffs. And there were people everywhere,
15 just everywhere watching, but I was standing there
16 in my underwear, basically, with my shorts down
17 around my thighs with my handcuffs on with a bandage
18 wrapped tight around my head.

19 Q. But you said you had refused medical
11:43AM 20 attention. Who did the bandage around your head?

21 A. Mr. Pack did.

22 Q. Mr. Pack?

23 A. Yes.

24 Q. Mr. Pack.

25 A. The gentleman with the glasses there.

Att. #34.8

1 Q. Okay.

2 A. And he put it on really tight.

3 Q. And you were in your underwear?

4 A. They had pulled my pants down so that I was
5 standing there with my underwear showing with my
6 hands cuffed.

7 Q. And there were people around?

8 A. There were people everywhere.

9 Q. Okay. Did they say -- were you told why
11:44AM 10 your pants were pulled down?

11 A. I was told nothing. I was just told there
12 was a warrant for my arrest out of Colorado, and I
13 kept trying to tell them, "I've never been to
14 Colorado."

15 Q. You told them that?

16 A. Yes. They said they didn't care.

17 Q. Did you ask to see the warrant?

18 A. Yes.

19 Q. Did they produce a warrant --

11:44AM 20 A. No.

21 Q. -- that day?

22 A. No.

23 Q. Did they identify themselves?

24 A. No.

25 Q. Did they say what agency they worked for?

Att. #34.9

1 A. No, nothing.

2 Q. Did they give you -- nothing?

3 A. Nothing.

4 Q. Did they at least tell you why you were
5 arrested?

6 A. No, nothing; nothing. They didn't say
7 anything to me. Other than the fact that
8 Colorado -- I was a fugitive of Colorado.

9 Q. Okay. So they did tell you --

11:45AM 10 A. They told me I was a fugitive out of
11 Colorado.

12 Q. "Fugitive out of Colorado."

13 So the first time you had ever heard
14 that was from the F- -- from whoever was present,
15 Mr. Parker Still, Mr. Pack, and Mr. --

16 A. Yes, that's correct.

17 Q. -- Duran, I think.

18 Was Mr. Patter- -- or Officer
19 Patterson there as well? He was the one that
11:45AM 20 testified about cyber -- he does cyber stuff
21 from --

22 A. I never saw him.

23 Q. -- the University of Tennessee Police
24 Department.

25 A. There were several officers walking around.

Att. #34.10

Articles of the Covenant

The Covenant follows the structure of the UDHR and ICESCR, with a preamble and fifty-three articles, divided into six parts.^[11]

Part 1 (Article 1) recognizes the right of all peoples to self-determination, including the right to "freely determine their political status",^[12] pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognises a negative right of a people not to be deprived of its means of subsistence,^[13] and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.^[14]

Part 2 (Articles 2 – 5) obliges parties to legislate where necessary to give effect to the rights recognised in the Covenant, and to provide an effective legal remedy for any violation of those rights.^[15] It also requires the rights be recognised "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,"^[16] and to ensure that they are enjoyed equally by women.^[17] The rights can only be limited "in time of public emergency which threatens the life of the nation,"^[18] and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion.^[19]

Part 3 (Articles 6 – 27) lists the rights themselves. These include rights to:

- physical integrity, in the form of the right to life and freedom from torture and slavery (Articles 6, 7, and 8);
- liberty and security of the person, in the form of freedom from arbitrary arrest and detention and the right to habeas corpus (Articles 9 – 11);
- procedural fairness in law, in the form of rights to due process, a fair and impartial trial, the presumption of innocence, and recognition as a person before the law (Articles 14, 15, and 16);
- individual liberty, in the form of the freedoms of movement, thought, conscience and religion, speech, association and assembly, family rights, the right to a nationality, and the right to privacy (Articles 12, 13, 17 – 24);
- prohibition of any propaganda for war as well as any advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence by law (Article 20);
- political participation, including the right to the right to vote (Article 25);
- Non-discrimination, minority rights and equality before the law (Articles 26 and 27).

Many of these rights include specific actions which must be undertaken to realise them.

Part 4 (Articles 28 – 45) governs the establishment and operation of the Human Rights Committee and the reporting and monitoring of the Covenant. It also allows parties to recognise the competence of the Committee to resolve disputes between parties on the implementation of the Covenant (Articles 41 and 42).

Part 5 (Articles 46 – 47) clarifies that the Covenant shall not be interpreted as interfering with the operation of the United Nations or "the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources".^[20]

Part 6 (Articles 48 – 53) governs ratification, entry into for

Att. #35.1

Rights to physical integrity

Article 6 of the Covenant recognises the individual's "inherent right to life" and requires it to be protected by law.^[21] It is a "supreme right" from which no derogation can be permitted, and must be interpreted widely.^[22] It therefore requires parties to take positive measures to reduce infant mortality and increase life expectancy, as well as forbidding arbitrary killings by security forces.^[22]

While Article 6 does not prohibit the death penalty, it restricts its application to the "most serious crimes"^[23] and forbids it to be used on children and pregnant women^[24] or in a manner contrary to the Convention on the Prevention and Punishment of the Crime of Genocide.^[25] The UN Human Rights Committee interprets the Article as "strongly suggest[ing] that abolition is desirable",^[22] and regards any progress towards abolition of the death penalty as advancing this right.^[22] The Second Optional Protocol commits its signatories to the abolition of the death penalty within their borders.

Article 7 prohibits torture and cruel, inhuman or degrading punishment.^[26] As with Article 6, it cannot be derogated from under any circumstances.^[19] The article is now interpreted to impose similar obligations to those required by the United Nations Convention Against Torture, including not just prohibition of torture, but active measures to prevent its use and a prohibition on refoulement.^[27] In response to Nazi human experimentation during WW2 this article explicitly includes a prohibition on medical and scientific experimentation without consent.^[26]

Article 8 prohibits slavery and enforced servitude in all situations.^[28] The article also prohibits forced labour, with exceptions for criminal punishment, military service and civil obligations.^[29]

Liberty and security of person

Article 9 recognises the rights to liberty and security of the person. It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law,^[30] and obliges parties to allow those deprived of their liberty to challenge their imprisonment through the courts.^[31] These provisions apply not just to those imprisoned as part of the criminal process, but also to those detained due to mental illness, drug addiction, or for educational or immigration purposes.^[32]

Articles 9.3 and 9.4 impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge.^[33] It also restricts the use of pre-trial detention,^[34] requiring that it not be 'the general rule'.^[32]

Article 10 requires anyone deprived of liberty to be treated with dignity and humanity.^[35] This applies not just to prisoners, but also to those detained for immigration purposes or psychiatric care.^[36] The right complements the Article 7 prohibition on torture and cruel, inhuman or degrading treatment.^[36] The article also imposes specific obligations around criminal justice, requiring prisoners in pretrial detention to be separated from convicted prisoners, and children to be separated from adults.^[37] It requires prisons to be focused on reform and rehabilitation rather than punishment.^[38]

Article 11 prohibits the use of imprisonment as a punishment for breach of contract.^[39]

Procedural fairness and rights of the accused

Att. #35.2

Article 14 recognizes and protects a right to justice and a fair trial. **Article 14.1** establishes the ground rules: everyone must be equal before the courts, and any hearing must take place in open court before a competent, independent and impartial tribunal, with any judgment or ruling made public.^[40] Closed hearings are only permitted for reasons of privacy, justice, or national security, and judgments may only be suppressed in divorce cases or to protect the interests of children.^[40] These obligations apply to both criminal and civil hearings, and to all courts and tribunals.^[41] **Article 14.3** mandates that litigants must be informed promptly and in detail in a language which they understand.^[42]

The rest of the article imposes specific and detailed obligations around the process of criminal trials in order to protect the rights of the accused and the right to a fair trial. It establishes the Presumption of innocence^[43] and forbids double jeopardy.^[44] It requires that those convicted of a crime be allowed to appeal to a higher tribunal,^[45] and requires victims of a Miscarriage of justice to be compensated.^[46] It establishes rights to a speedy trial, to counsel, against self-incrimination, and for the accused to be present and call and examine witnesses.^[47]

Article 15 prohibits prosecutions under Ex post facto law and the imposition of retrospective criminal penalties, and requires the imposition of the lesser penalty where criminal sentences have changed between the offence and conviction.^[48] But except the criminal according to general principles of law recognized by international community.^[49] (jus cogens)

Article 16 requires states to recognize everyone as a person before the law.^[50]

Individual liberties

Article 12 guarantees freedom of movement including the right of persons to choose their residence, to leave and return to a country.^[51] These rights apply to legal aliens as well as citizens of a state,^[52] and can be restricted only where necessary to protect national security, public order or health, and the rights and freedoms of others.^[53] The article also recognises a right of people to enter their own country; the right of return.^[54] The Human Rights Committee interprets this right broadly as applying not just to citizens, but also to those stripped of or denied their nationality.^[52] They also regard it as near-absolute; "there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable".^[52]

Article 13 forbids the arbitrary expulsion of resident aliens and requires such decisions to be able to be appealed and reviewed.^[55]

Article 17 mandates the right of privacy.^[56] This provision, specifically article 17(1), protects private adult consensual sexual activity, thereby nullifying prohibitions on homosexual behaviour,^[57] however, the wording of this covenant's marriage right (Article 23) excludes the extrapolation of a same-sex marriage right from this provision.^[58] Article 17 also protects people against unlawful attacks to their honor and reputation. Article 17 (2) grants the protection of the law against such attacks.^[56]

Article 18 mandates freedom of religion or belief.^[59]

Article 19 mandates freedom of expression.^[60]

Article 20 mandates sanctions against inciting war and hatred.^[61]

Att. #35.3

Article 21 mandates freedom of assembly and **22** mandates freedom of association. These provisions guarantee the right to freedom of association, the right to trade unions and also defines the International Labour Organization.^{[62][63]}

Article 23 mandates the right of marriage.^[64] The wording of this provision neither requires nor prohibits same-sex marriage.^[65]

Article 24 mandates special protection, the right to a name, and the right to a nationality for every child.^[66]

Article 27 mandates the rights of ethnic, religious and linguistic minority to enjoy their own culture, to profess their own religion, and to use their own language.^[67]

Political rights

Article 3 provides an accessory non-discrimination principle. Accessory in the way that it cannot be used independently and can only be relied upon in relation to another right protected by the ICCPR.

In contrast, **Article 26** contains a revolutionary norm by providing an autonomous equality principle which is not dependent upon another right under the convention being infringed. This has the effect of widening the scope of the non-discrimination principle beyond the scope of ICCPR.

Att. #35.4



ABOUT

RESOURCES

ANALYSIS

NEWS

Other situations not insured by the FDIC:

Safe Deposit Boxes - The contents of a safe deposit box are not insured by the FDIC. (Make sure you read the contract you signed with the bank when you rented the safe deposit box in the event that some other type of insurance is provided; some banks may make a very limited payment if the box or contents are damaged or destroyed, depending on the circumstances.) If you are concerned about the safety, or replacement, of items you have put in a safe deposit box, you may wish to consider purchasing fire and theft insurance. Usually such insurance is part of a homeowner's or tenant's insurance policy for a residence and its contents. Again, consult your insurance agent for more information.

In the event of a bank failure, in most cases an acquiring institution would take over the failed bank's offices, including locations with safe deposit boxes. If no acquirer can be found the FDIC would send boxholders instructions for removing the contents of their boxes.

Robberies and Other Thefts - Stolen funds may be covered by what's called a banker's blanket bond, which is a multi-purpose insurance policy a bank purchases to protect itself from fire, flood, earthquake, robbery, defalcation, embezzlement and other causes of disappearing funds. In any event, an occurrence such as a fire or bank robbery may result in a loss to the bank but should not result in a loss to the bank's customers.

Unauthorized access to your funds may be covered by the Electronic Funds Transfer Act and other consumer protections. If a third party somehow gains access to your account and transacts business you did not authorize, you must contact the bank as soon as you notice the loss to learn about their procedures for protecting your rights.

How to File a Complaint

If you have a problem or a concern with a deposit or investment, try to resolve your complaint directly with an officer of the bank or firm before involving an outside agency. Financial institutions value their customers and most will be helpful. If you are unable to resolve the matter with the financial institution, use the following guidelines to determine where to direct your complaint.

If your complaint is against a salesperson who represents a third-party investment firm, call the number below for instructions on where to write:

The Financial Industry Regulatory Authority (www.finra.org)
(formerly the National Association of Securities Dealers)
(301) 590-6500

If your complaint or inquiry is about a specific financial product or investment, contact:

contains the following clause: "If any person, through temptation or melancholy, shall destroy himself, his estate, real and personal, shall, notwithstanding, (descend to his wife and children, or relations, as if he had died a natural death."

FELON, crimes. One convicted and sentenced for a felony.

2. A felon is infamous, and cannot fill any office, or become a witness in any case, unless pardoned, except in cases of absolute necessity, for his own preservation, and defence; as, for example, an affidavit in relation to the irregularity of a judgment in a cause in which he is a party. 2 Salk. R. 461; 2 Str. 1148; Martin's R. 25; Stark. Ev. part 2, tit. Infamy. As to the effect of a conviction in one state, where the witness is offered in another, see 17 Mass. R. 515 2 Harr. & McHen. R. 120, 378; 1 Harr. & Johns. R. 572. As to the effect upon a copartnership by one of the partners becoming a felon, see 2 Bouv. Inst. n. 1493.

FELONIOUSLY, pleadings. This is a technical word which must be introduced into every indictment for a felony, charging the offence to have been committed feloniously; no other word, nor any circumlocution, will supply its place. Com. Dig. Indictment, G 6; Bac. Ab. Indictment, G 1; 2 Hale, 172, 184; Hawk. B. 2. c. 25, s. 55 Cro. C. C. 37; Burn's Just. Indict. ix.; Williams' Just. Indict. iv.-, Cro. Eliz. 193; 5 Co. 121; 1 Chit. Cr. Law, 242.

FELONY, crimes. An offence which occasions a total forfeiture of either lands or goods, or both, at common law, to which capital or other punishment may be super-added, according to the degree of guilt. 4 Bl. Com, 94, 5; 1 Russ. Cr. *42; 1 Chit. Pract. 14; Co. Litt. 391; 1 Hawk. P. C. c. 37; 5 Wheat. R. 153, 159.

FEMALE. This term denotes the sex which bears young.

2. It is a general rule, that the young of female animals which belong to us, are ours, nam fetus ventrem sequitur. Inst. 2, 1, 19; Dig. 6, 1, 5, 2. The rule is, in general, the same with regard to slaves; but when a female slave comes into a free state, even without the consent of her master, and is there delivered of a child, the latter is free. Vide Feminine; Gender; Masculine.

FEME, or, more properly,

FEMME. Woman.

2. This word is frequently used in law. Baron and feme, husband and wife; feme covert, a married woman; feme sole, a single woman.

3. A feme covert, is a married woman. A feme covert may sue and a feme sole, when the husband is civiliter mortuus. Bac. Ab. Baron Actions, part 1, section 1, §7, n. 3; or where, as it has been decided i

Att. #37

18 U.S. Code § 241. Conspiracy against rights

U.S. Code Notes

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, § 103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100-690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

Att. #38

18 U.S. Code § 242. Deprivation of rights under color of law

U.S. Code Notes

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100-690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

Att. #39

18 U.S. Code § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

U.S. Code Notes

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

(Added Pub. L. 106-386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 110-457, title II, § 222(b)(4), Dec. 23, 2008, 122 Stat. 5069.)

Att. #40

1033. KIDNAPPING—18 U.S.C. §§ 1201, 1202

Conviction for the offense of kidnapping requires proof of transportation in interstate commerce, of an unconsenting person, who is held for ransom or reward or otherwise, where the accused's acts were knowingly and willfully committed. See *United States v. Osborne*, 68 F.3d 94 (5th Cir. 1995). See also *United States v. Crosby*, 713 F.2d 1066 (5th Cir.); cert. denied, 464 U.S. 1001 (1983). Proof is not required that the accused carried out the kidnapping for personal financial gain. See *United States v. Childress*, 26 F.3d 498 (4th Cir. 1994), cert. denied, ___ U.S. ___, 115 S. Ct. 1115 (1995). Situations falling within the "or otherwise" language of the statute have included those where the purpose of the kidnapping was to silence a potential witness, see *United States v. Satterfield*, 743 F.2d 827 (11th Cir. 1984), on remand, 599 F. Supp. 958, cert. denied, 471 U.S. 1117 (1985), and kidnapping for the purpose of sexual gratification, see *United States v. McBryar*, 553 F.2d 433 (5th Cir.), cert. denied, 434 U.S. 862 (1977). Section 2A4.1 of the United States Sentencing Commission's guidelines governs kidnapping offenses.

[cited in JM 9-60.100]

◀ 1032. Sentencing Enhancement—"Three Strikes"
Law

UP

1034. Kidnapping—Federal Jurisdiction ▶

Updated January 21, 2020

Att. #41

18 U.S. Code § 1621. Perjury generally

U.S. Code Notes

Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

(June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

Att. #42

18 U.S. Code § 2382. Misprision of treason

U.S. Code Notes

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

Att. #43

18 U.S. Code § 4. Misprision of felony

U.S. Code	Notes
	<p>Whoever, <u>having knowledge of the actual commission of a felony</u> cognizable by a <u>court of the United States</u>, <u>conceals</u> and does not as soon as possible make known the same to <u>some judge or other person in civil or military authority under the United States</u>, <u>shall be fined under this title or imprisoned not more than three years, or both.</u></p> <p>(June 25, 1948, ch. 645, <u>62 Stat. 684</u>; Pub. L. 103-322, title XXXIII, <u>§ 330016(1)(G)</u>, Sept. 13, 1994, <u>108 Stat. 2147.</u>)</p>

Att. #44

18 U.S. Code § 2381.Treason

U.S. Code	Notes
<u>18 U.S.C. § 2381</u>	<p>Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.</p> <p>(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103-322, title XXXIII, § 330016(2)(J), Sept. 13, 1994, 108 Stat. 2148.)</p>

Att. #45

18 U.S. Code § 371. Conspiracy to commit offense or to defraud United States

U.S. Code	Notes
	<p>If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.</p> <p>If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.</p> <p>(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)</p>

Att. #46

25 CFR § 11.411 - Criminal trespass.

CFR

§ 11.411 Criminal trespass.

(a) A person commits an offense if, knowing that he or she is not licensed or privileged to do so, he or she enters or surreptitiously remains in any building or occupied structure. An offense under this subsection is a misdemeanor if it is committed in a dwelling at night. Otherwise it is a petty misdemeanor.

(b) A person commits an offense if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(3) Fencing or other enclosure manifestly designed to exclude intruders.

(c) An offense under this section constitutes a petty misdemeanor if the offender defies an order to leave personally communicated to him or her by the owner of the premises or other authorized person. Otherwise it is a violation.

Att. #47

Tenn. Code Ann. § 39-13-101**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 13 Offenses Against Person Part 1 Assaultive Offenses**39-13-101. Assault.****(a)** A person commits assault who:

- (1)** Intentionally, knowingly or recklessly causes bodily injury to another;
- (2)** Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3)** Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

(b)**(1)** Assault under:**(A)** Subdivision (a)(1) is a Class A misdemeanor, punishable by incarceration and a fine not to exceed fifteen thousand dollars (\$15,000);**(B)** Subdivision (a)(2) is a Class A misdemeanor; and**(C)** Subdivision (a)(3) is a Class B misdemeanor.**(2)** Any conduct by an inmate against a correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, that would constitute an assault under subdivision (a)(1) shall be reported by the managing authority of the institution to the appropriate district attorney general for prosecution.**(3)** In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a domestic abuse victim as defined in § 36-3-601, and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but no less than one hundred dollars (\$100) and not in excess of two hundred dollars (\$200). The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the fine to the general fund. All fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.**(c)** For purposes of this section and § 39-13-102, "health care provider" means a person who is licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business in the practicing of a profession.**Att. #48**

Tenn. Code Ann. § 39-13-102**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 13 Offenses Against Person Part 1 Assaultive Offenses**39-13-102. Aggravated assault.****(a)****(1)** A person commits aggravated assault who:**(A)** Intentionally or knowingly commits an assault as defined in § 39-13-101, and the assault:**(i)** Results in serious bodily injury to another;**(ii)** Results in the death of another;**(iii)** Involved the use or display of a deadly weapon; or**(iv)** Involved strangulation or attempted strangulation; or**(B)** Recklessly commits an assault as defined in § 39-13-101(a)(1), and the assault:**(i)** Results in serious bodily injury to another;**(ii)** Results in the death of another; or**(iii)** Involved the use or display of a deadly weapon.**(2)** For purposes of subdivision (a)(1)(A)(iv), "strangulation" means intentionally or knowingly impeding normal

breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another person, regardless of whether that conduct results in any visible injury or whether the person has any intent to kill or protractedly injure the victim.

(b) A person commits aggravated assault who, being the parent or custodian of a child or the custodian of an adult, intentionally or knowingly fails or refuses to protect the child or adult from an aggravated assault as defined in subdivision (a)(1) or aggravated child abuse as defined in § 39-15-402.**(c)** A person commits aggravated assault who, after having been enjoined or restrained by an order, diversion or probation agreement of a court of competent jurisdiction from in any way causing or attempting to cause bodily injury or in any way committing or attempting to commit an assault against an individual or individuals, intentionally or knowingly attempts to cause or causes bodily injury or commits or attempts to commit an assault against the individual or individuals.**(d)** [Deleted by 2018 amendment.]**(e)****(1)****(A)** Aggravated assault under:**(i)** [Deleted by 2018 amendment.]**(ii)** Subdivision (a)(1)(A)(i), (iii), or (iv) is a Class C felony;**(iii)** Subdivision (a)(1)(A)(ii) is a Class C felony;**(iv)** Subdivision (b) or (c) is a Class C felony;**(v)** Subdivision (a)(1)(B)(i) or (iii) is a Class D felony;**(vi)** Subdivision (a)(1)(B)(ii) is a Class D felony.**(B)** However, the maximum fine shall be fifteen thousand dollars (\$15,000) for an offense under subdivision (a)(1)(A) or (a)(1)(B), or subsection (c), committed against any of the following persons who are discharging or attempting to**Att. #49**

Tenn. Code Ann. § 39-14-405**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 14 Offenses Against Property Part 4 Burglary and Related Offenses**39-14-405. Criminal trespass.**

(a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public.

(b) It is a defense to prosecution under this section that:

(1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted;

(2) The person's conduct did not substantially interfere with the owner's use of the property; and

(3) The person immediately left the property upon request.

(c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner:

(1) Posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property; or

(2) Places identifying purple paint marks on trees or posts on the property; provided, that at least one (1) sign is posted at a major point of ingress to the property in a manner that is reasonably likely to come to the attention of a person entering the property and that the sign includes language describing that the use of purple paint signifies "no trespassing." If purple paint is used, then purple paint must be vertical lines of not less than eight inches (8") in length and not less than one inch (1") in width; placed so that the bottom of the mark is not less than three feet (3') or more than five feet (5') from the ground; and placed at locations that are reasonably likely to come to the attention of a person entering the property.

(d) For purposes of this section, "enter" means intrusion of the entire body or when a person causes an unmanned aircraft to enter that portion of the airspace above the owner's land not regulated as navigable airspace by the federal aviation administration.

(e) Entering or remaining on railroad or utility right-of-way property by an adjoining landowner for usual and customary activities of the type defined in §§ 1-3-105(a)(2)(A)(i) and (ii), (B) and (C) and 43-1-113(a), (b)(1)(A) and (B), (b)(2) and (b)(3) shall not be considered trespass under this section. This subsection (e) shall not apply if the railroad or utility right-of-way owner, by a personal communication or posting at the site by someone with either actual authority or apparent authority to act for the railroad or utility right-of-way owner, has communicated to the adjoining landowner that the activity is not permitted.

(f)

(1) The secretary of state shall establish a no trespass public notice list identifying employers in this state who have requested established private property rights to be recognized and recorded against a trespasser under subsection (a).

(2) To be included on the list, an employer shall provide to the secretary of state information that establishes the employer's private property rights, including the address at which the property is located.

Att. #50

Tenn. Code Ann. § 39-11-614**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 11 General Provisions Part 6
Justification Excluding Criminal Responsibility

39-11-614. Protection of property.

(a) A person in lawful possession of real or personal property is justified in threatening or using force against another, when and to the degree it is reasonably believed the force is immediately necessary to prevent or terminate the other's trespass on the land or unlawful interference with the property.

(b) A person who has been unlawfully dispossessed of real or personal property is justified in threatening or using force against the other, when and to the degree it is reasonably believed the force is immediately necessary to reenter the land or recover the property, if the person threatens or uses the force immediately or in fresh pursuit after the dispossession:

(1) The person reasonably believes the other had no claim of right when the other dispossessed the person; and

(2) The other accomplished the dispossession by threatening or using force against the person.

(c) Unless a person is justified in using deadly force as otherwise provided by law, a person is not justified in using deadly force to prevent or terminate the other's trespass on real estate or unlawful interference with personal property.

Att. #51

9/28/2020

TENNESSEE CODE UNANNOTATED CUI|| PAW Document Page

Tenn. Code Ann. § 40-6-103

Copy Citation

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 40 Criminal Procedure** **Chapter 6 Warrants** **Part 1 Search Warrants**

40-6-103. Probable cause and affidavit.

A search warrant can only be issued on probable cause, supported by affidavit, naming or describing the person, and particularly describing the property, and the place to be searched.

Att. #52

Tenn. Code Ann. § 40-6-104**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 40 Criminal Procedure Chapter 6 Warrants Part 1 Search Warrants**40-6-104. Examination of complainant.**

The magistrate, before issuing the warrant, shall examine on oath the complainant and any witness the complainant may produce, and take their affidavits in writing, and cause them to be subscribed by the persons making the affidavits. The affidavits must set forth facts tending to establish the grounds of the application, or probable cause for believing the grounds exist.

Att. #53

Tenn. Code Ann. § 40-6-208

Copy Citation

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 40 Criminal Procedure** **Chapter 6 Warrants** **Part 2 Arrest Warrants**

40-6-208. Contents of warrant.

- (a) The warrant should specify the name of the defendant, but if it is unknown to the magistrate, the defendant may be designated in the warrant by any name.
- (b) It should also state the offense either by name, or so that it can be clearly inferred.
- (c) It should also show, in some part, the county in which issued, the name and initials of the magistrate in office.
- (d) The warrant shall include a copy of the affidavit of complaint.

Att. #54

Tenn. Code Ann. § 40-6-216**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 40 Criminal Procedure** **Chapter 6 Warrants** **Part 2 Arrest Warrants**

40-6-216. Copies of warrants.

(a) A criminal defendant or such defendant's attorney shall have the right to request and receive at a reasonable time a copy of any warrant or summons issued pursuant to this part that is served upon the defendant.

(b) Any agency, department or employee or agent of an agency or department who knowingly refuses to provide a copy of the warrant of arrest or summons to a defendant or the defendant's attorney within a reasonable time upon being requested to do so may be in contempt of the court issuing the warrant or summons. In addition to the punishment for contempt, the agency or department shall be required to pay all attorney fees and court costs reasonably incurred by the defendant or the defendant's attorney in obtaining a copy of the warrant or summons.

Att. #55

Tenn. Code Ann. § 47-1-101

Copy Citation

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 47 Commercial Instruments And Transactions Chapter 1
Uniform Commercial Code — General Provisions Part 1 General Provisions

47-1-101. Short title.

(a) Chapters 1-9 of this title shall be known and may be cited as the Uniform Commercial Code.

(b) This chapter shall be known and may be cited as the "Uniform Commercial Code — General Provisions."

Att. #56

Tenn. Code Ann. § 47-1-103**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 47 Commercial Instruments And Transactions** **Chapter 1**
Uniform Commercial Code — General Provisions **Part 1 General Provisions**

47-1-103. Construction of chapters 1-9 to promote their purposes and policies — Applicability of supplemental principles of law.

(a) Chapters 1-9 of this title must be liberally construed and applied to promote its underlying purposes and policies, which are:

- (1) To simplify, clarify, and modernize the law governing commercial transactions;
- (2) To permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and
- (3) To make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of chapters 1-9 of this title, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause supplement its provisions.

(c) In any dispute as to the proper construction of one (1) or more sections of chapters 1-9 of this title, the Official Comments pertaining to the corresponding sections of the **Uniform Commercial Code, Official Text, as adopted by the National Conference of Commissioners on Uniform State Laws and the American Law Institute and as in effect on July 1, 2013, in this state,** shall constitute evidence of the purposes and policies underlying such sections, unless:

- (1) The sections of chapters 1-9 of this title that are applicable to the dispute differ materially from the sections of the Official Text that would be applicable thereto; or
- (2) The Official Comments are inconsistent with the plain meaning of the applicable sections of chapters 1-9 of this title.

Att. #57

Report *of the* **Commission on** **Unalienable Rights**

Att. #58.1

"For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."

George Washington, Letter to the Jews of Newport, 1790

its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

In the American constitutional tradition, this right of the people to alter or abolish government is both essential and highly restricted. If, as Jefferson writes, "a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism," then it is the people's "right, it is their duty, to throw off such Government, and to provide new Guards for their future security." Only, however, in the extreme and dire circumstance in which a government has lost its legitimacy by systematic conduct that denies the very idea of unalienable rights are citizens released from the limitations to which they agreed to be bound as members of a free society and justified in establishing a new form of government to secure their rights.

The aim must always be to restore political society. The civil liberty that political society makes possible — the rights to travel to enter contracts and agreements; to possess, use, purchase, and dispose of property; to the protection of person and property; to the equal application of criminal laws; and to fair and equal treatment in court — enables individuals to live safely in their families and communities and to enjoy their unalienable rights.

Foremost among the unalienable rights that government is established to secure, from the founders' point of view, are property rights and religious liberty. A political society that destroys the possibility of either loses its legitimacy.

For the founders, property refers not only to physical goods and the fruit of one's labor but also encompasses

life, liberty, and the pursuit of happiness. They assumed, following philosopher John Locke, that the protection of property rights benefits all by increasing the incentive for producing goods and delivering services desired by others.

The benefits of property rights, though, are not only pecuniary. Protection of property rights is also central to the effective exercise of positive rights and to the pursuit of happiness in family, community, and worship. Without the ability to maintain control over one's labor, goods, land, home, and other material possessions, one can neither enjoy individual rights nor can society build a common life. Moreover, the choices we make about what and how to produce, exchange, distribute, and consume can be tightly bound up with the kinds of human beings we wish to become. Not least, the right of private property sustains a sphere generally off limits to government, a sphere in which individuals, their families, and the communities they form can pursue happiness in peace and prosperity.

The importance that the founders attached to private property only compounds the affront to unalienable rights involved at America's founding in treating fellow human beings as property. It also explains why many abolitionists thought that owning property was a necessary element of emancipation: only by becoming property-owning citizens could former slaves exercise economic independence and so fully enjoy their unalienable rights.

Religious liberty enjoys similar primacy in the American political tradition — as an unalienable right, an enduring limit on state power, and a protector of seedbeds of civic virtues. In 1785, James Madison gave classic expression to

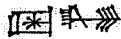
Att. #58.2

NATURAL LAW AND
ENLIGHTENMENT CLASSICS

The Law of Nations,
Or, Principles of the Law of Nature,
Applied to the Conduct and Affairs
of Nations and Sovereigns, with Three
Early Essays on the Origin and Nature
of Natural Law and on Luxury

Emer de Vattel

Edited and with an Introduction
by Béla Kapossy and Richard Whatmore



LIBERTY FUND

Indianapolis

Att. #59.1

resolved to submit to the authority of a monarch,—those citizens who are more jealous of that privilege, so invaluable to those who have tasted it,—though obliged to suffer the majority to do as they please,—are under no obligation at all to submit to the new government: they may quit a society which seems to have dissolved itself in order to unite again under another form: they have a right to retire elsewhere, to sell their lands, and take with them all their effects.

Here again a very important question presents itself. It essentially belongs to the society to make laws both in relation to the manner in which it desires to be governed, and to the conduct of the citizens:—this is called the *legislative power*. The nation may intrust the exercise of it to the prince, or to an assembly; or to that assembly and the prince jointly; who have then a right to make new laws and to repeal old ones. It is asked whether their power extends to the fundamental laws,—whether they may change the constitution of the state?

§34. Of the legislative power, and whether it can change the constitution.

The principles we have laid down lead us to decide with certainty, that the authority of these legislators does not extend so far, and that they ought to consider the fundamental laws as sacred, if the nation has not, in very express terms,

given them power to change them. For the constitution of the state ought to possess stability: and since that was first established by the nation, which afterwards intrusted certain persons with the legislative power, the fundamental laws are excepted from their commission. It is visible that the society only intended to make provision for having the state constantly furnished with laws suited to particular conjunctures, and, for that purpose, gave the legislature the power of abrogating the ancient civil and political laws that were not fundamental, and of making new ones: but nothing leads us to think that it meant to submit the constitution itself to their will. In short, it is from the constitution that

those legislators derive their power: how then can they change it, without destroying the foundation of their own authority?

By the fundamental laws of England, the two houses of parliament, in concert with the king, exercise the legislative power: but if the two houses should resolve to suppress themselves, and to invest the king with full and absolute authority, certainly the nation would not suffer it. And who would dare to assert that they would not have a right to oppose it? But if the

Att. #59.2

741 F.2d 336

James C. TREZEVANT, Plaintiff-Appellant,
v.

CITY OF TAMPA, a municipal corporation, et al.,

Defendants-Appellees.

James C. TREZEVANT, Plaintiff-Appellee,

v.

CITY OF TAMPA, a municipal corporation, Hillsborough County
Board of Criminal Justice, et al., Defendants-Appellants.

Nos. 83-3370, 83-3038.

United States Court of Appeals,
Eleventh Circuit.

Sept. 6, 1984.

Robert V. Williams, Tampa, Fla., for James C. Trezevant.

Chris W. Altenbernd, Tampa, Fla., for defendants-appellees in No. 83-3370.

Bernard C. Silver, Asst. City Atty., Tampa, Fla., City of Tampa.

Donald G. Greiwe, Chris W. Altenbernd, Tampa, Fla., for Hillsborough County Bd. of Criminal Justice.

Appeals from the United States District Court for the Middle District of Florida.

Before FAY, VANCE and HATCHETT, Circuit Judges.

FAY, Circuit Judge:

1

In Florida a motorist who receives a traffic citation may sign a promise to appear or post a bond pending court disposition. Mr. Trezevant elected to post a bond, had the necessary cash with him to do so, but found himself in a holding cell behind bars. Feeling that such a procedure deprived him of his civil rights (to remain at liberty), he brought this action. The jury agreed with his contentions and we affirm.

2

This matter was tried before the Honorable William J. Castagna, United States District Court, Middle District of Florida, beginning on October 20, 1983. The amended complaint then before the trial court contained four counts. Count I charged that the City of Tampa and Officer Eicholz deprived Mr. Trezevant of his civil rights by improperly arresting him. Count II similarly charged the Hillsborough County Board of Criminal Justice ("HBCJ") and Deputy Edwards with improperly incarcerating Mr. Trezevant. Counts III and IV were included as pendent common law and state law claims against the same defendants. Count III was voluntarily dismissed by the plaintiff and Count IV was disposed of on a motion for directed verdict against the plaintiff. The jury returned a verdict of \$25,000 in favor of the plaintiff and against the HCBJ and the City of Tampa. The individual defendants were absolved of all liability.

3

The case is now before this court on cross appeals pursuant to 28 U.S.C. Sec. 1291. Mr. Trezevant has appealed the amount of attorney's fees awarded to him and the City of Tampa and the HBCJ have appealed the judgment against them. The parties have raised multiple issues on appeal but we find that a determination of three is dispositive of the entire matter. These three issues are whether the evidence supports the verdict rendered by the jury; whether the amount of the verdict rendered is excessive; and whether the trial court erred in the amount of attorney's fees awarded pursuant to 42 U.S.C. Sec. 1988.

FACTS

4

Att. #60.1

On the morning of April 23, 1979, the plaintiff, James C. Trezevant, was en route from his home in northwest Hillsborough County to his office in central Tampa. When he reached the intersection of Habana Avenue and Columbus Drive he stopped for a red light, he was third in line at the intersection. When the light changed, Mr. Trezevant and the two cars in front of him proceeded through the intersection. Just south of the intersection the other two cars came to a sudden stop and turned into a parking lot. In order to avoid a collision, Mr. Trezevant came to a screeching halt. Having avoided an accident, he then proceeded on. Six or seven blocks later, Mr. Trezevant was stopped by Officer Eicholz of the Tampa police department and was issued a citation for reckless driving.² Officer Eicholz explained to Mr. Trezevant that if Trezevant did not sign the citation he would have to post a bond. Mr. Trezevant elected to go to central booking and post a bond.

5

Central booking has two entrances. In 1979, one of the entrances was used by bail bondsmen and lawyers to post bail bonds. Through a series of halls, this entrance leads to a glass window adjacent to the central booking desk. The only other entrance was used by policemen who were taking arrestees to be booked. This second entrance opened into a large room adjacent to the booking desk. Officer Eicholz escorted Mr. Trezevant to central booking and when they arrived he frisked Mr. Trezevant and took him through the door normally used by policemen with arrestees in custody. Officer Eicholz walked up to the central booking desk and presented the jailer on duty with Mr. Trezevant and with the citations that Mr. Trezevant had refused to sign. The jailer took Mr. Trezevant's valuables and his belt and shoes and placed Mr. Trezevant in a holding cell until he could be processed. Mr. Trezevant was in the holding cell for a total of twenty-three minutes.

6

Mr. Trezevant always had enough cash to bond himself out. No one ever told Mr. Trezevant what he was being incarcerated for; he was not allowed to call an attorney before he was incarcerated; and, he was incarcerated with other persons who were under arrest for criminal violations. Further, while he was being held in the holding cell, Mr. Trezevant suffered severe back pain and his cries for medical assistance were completely ignored.

7

Mr. Trezevant's complaint centers around the fact that he was incarcerated for a civil infraction. It is true that because Mr. Trezevant could not produce his vehicle registration he could have been arrested. However, it is also true that no one ever thought that Mr. Trezevant was not the owner of the car he was driving. The only reason that he was escorted to central booking was that he had elected to post a bond for the civil infraction of reckless driving. Officer Eicholz consistently maintained that he did not arrest Mr. Trezevant.

SUFFICIENCY OF THE EVIDENCE

8

The City of Tampa and the HBCJ contend that the trial court erred in failing to grant a directed verdict in their favor. A directed verdict decides contested substantive issues as a matter of law, thus we apply the same standard as was applied by the district court:

9

Courts view all the evidence, together with all logical inferences flowing from the evidence, in the light most favorable to the non-moving party....

10

"... [I]f there is substantial evidence opposed to the motions, that is, evidence of such quality and weight that reasonable and fair-minded men in the exercise of impartial judgment might reach different conclusions, the motion should be denied, and the case submitted to the jury."

11

Neff v. Kehoe, 708 F.2d 639 (11th Cir.1983) (quoting Boeing Co. v. Shipman, 411 F.2d 365 (5th Cir.1969)).

12

Applying this standard to the case at bar, the City of Tampa and HBCJ would have caused the deprivation of the plaintiff's rights. They would each have us look at the Tampa contends that Officer Eicholz properly escorted Mr. Trezevant to central l The City argues that once Officer Eicholz reached the booking desk and handed t

Att. #60.2ng.
solved

For the reasons stated, we find that the jury verdict was supported by sufficient evidence; the verdict was not excessive; and, the trial court did not abuse its discretion in setting the attorney fee award. Accordingly, the judgment of the district court is **AFFIRMED**.

1

This ruling has not been appealed

2

Officer Eicholz issued a total of three citations: (1) reckless driving, (2) failure to produce a motor vehicle registration certificate, and (3) refusal to sign a traffic citation. The parties agreed that the third citation was a nullity there being no such offense

3

Some confusion surrounds the three citations. The jury could have concluded that Officer Eicholz had not completed the citations until after Mr. Trezevant was placed in the holding cell. The check showing that Mr. Trezevant had been arrested was apparently a mistake

4

The City of Tampa was one member of the group that supervised the HBCJ

5

Decisions of the United States Court of Appeals for the Fifth Circuit handed down prior to the close of business on September 30, 1981, are binding as precedent in the Eleventh Circuit. *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206 (11th Cir.1981). *Del Casal* was decided on January 16, 1981, and, so, is binding precedent in the Eleventh Circuit

Att. #60.3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RANDALL BEANE,
Defendant.

Case No.: 3:17-CR-82

PROCEEDINGS
BEFORE THE HONORABLE C. CLIFFORD SHIRLEY, JR.

August 29, 2017
2:36 p.m. to 3:25 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

FOR THE DEFENDANT:

BOBBY E. HUTSON, JR., ESQUIRE
Federal Defender Services of
Eastern Tennessee, Inc.
800 South Gay Street
Suite 2400
Knoxville, Tennessee 37929-9714

Att. #61.1

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
800 Market Street, Suite 130
Knoxville, Tennessee 37902

1 the Court could give me a few moments -- a few moments to
2 discuss with him the implications.

3 THE COURT: I doubt that will have much effect on him.

4 MR. HUTSON: It may not.

5 THE COURT: He's got a litany he needs to say. I'm
6 used to this. I've had dozens of this.

7 MR. HUTSON: He also --

8 THE COURT: And he can keep coming back every few days,
9 say it. We'll keep doing it. Doesn't bother me. I'm here all
10 day every day.

11 MR. HUTSON: I understand, Your Honor. He is also
12 potentially going to want to request some type of detention

13 hearing or update.

14 THE COURT: We can't get started, we can't get to that.

15 MR. HUTSON: Correct, your Honor. And perhaps that may
16 alleviate some of these issues. I would be happy to take a
17 moment to talk to him, or we can reschedule for another day.

18 THE COURT: Well, I'll give you a couple minutes. I
19 just don't like your chances.

20 MR. HUTSON: Duly noted, Your Honor.

21 THE COURT: Okay. How much time you think you need?
22 Want to get -- want to have five minutes?

23 MR. HUTSON: Five minutes is fine, Your Honor.

24 THE COURT: All right. Why don't you make sure that
25 the sound is off so nobody's picking up a

UNITED STATES DISTRICT (

Att. #61.2

Doran, James J. (KX) (FBI)

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 3:27 PM
To: Doran, James J. (KX) (FBI)
Subject: FW: Randall Beane

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 1:33 PM
To: 'Brown, True' <True.Brown@usaa.com>
Subject: FW: Randall Beane

From: Brown, True [mailto:True.Brown@usaa.com]
Sent: Tuesday, July 11, 2017 5:33 PM
To: Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
Subject: RE: Randall Beane

From: Brown, True
Sent: Tuesday, July 11, 2017 4:25 PM
To: 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
Subject: FW: Randall Beane

From: Brown, True
Sent: Tuesday, July 11, 2017 4:20 PM
To: 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
Subject: FW: Randall Beane

From: Brown, True
Sent: Tuesday, July 11, 2017 4:07 PM
To: 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
Subject: Randall Beane

Parker

Att. #62.1

I was wondering if you could provide an update as to status of effort to secure the RV.

Also, this link was provided by Tom Grasso, a SSA in CIRFU which lays out the fraud scheme (of course he says it is legit and you are entitled to the money)

<https://www.youtube.com/watch?v=R6Kk6oAu3k0>

The link is to a YouTube video from the Intellectual Freedom Movement on "pay your bills using your secret account" – in the video the narrator (Harvey Dent) advises that everyone has a secret Social Security Trust Account which they can access to pay bills. The key is an indicator on your SSN card which will correspond to a specific Federal Reserve Bank; the account number is same as your SSN.

In regard to our member, Randall K Beane; the acquisition of the CDs; the member entered the routing number for the Federal Reserve Bank on NY and then for the account number entered his SSN (with one digit altered). The member's correct SSN per USAA records and confirmed with open source credit reports was 243-three nine-1135; entered on the funding instructions for the CDs was account 244threenine1135.

As far as the matter with our member, Randall Beane, the loss amount is at approximately \$500,000; in addition to the purchase of the RV, the member paid off several consumer loans and a credit card balance; all up totaling \$43,458. FCI is taking steps to have the payments reversed and loans and credit card debt placed back on the books. The RV purchase includes a wire transfer of \$493,110.68 and a debit card transaction of \$10,000 to Buddy Gregg Motor Home.

Again, we appreciate the assistance; pass on my regards to the McAllen crew. Hopefully they did not bring to many bad habits to Knoxville. We tried our best to clean them up before they left the Valley.

True

True Brown
Director, Financial Crimes Investigation

Enterprise Financial Crimes Management, Enterprise Security Group, USAA
9800 Fredericksburg Road, San Antonio, Texas 78288
Desk: (210) 498-0853
Cell: (210) 508-6594
True.Brown@usaa.com

Att. #62.2

Doran, James J. (KX) (FBI)

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 3:27 PM
To: Doran, James J. (KX) (FBI)
Subject: FW: Information request on arrest and RV

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 1:34 PM
To: 'Brown, True' <True.Brown@usaa.com>
Subject: FW: Information request on arrest and RV

From: Brown, True [mailto:True.Brown@usaa.com]
Sent: Wednesday, July 12, 2017 9:10 AM
To: Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
Subject: Information request on arrest and RV

Parker

Now that the smoke has cleared a little; are you in a position to advise:
arrested/detained on

1. what charges Randall Beane was

2. Do you have any info on the RV such as the VIN (trying to get a pic for my management) – if I have VIN I can go to dealer website

3. Do you anticipate charging Beane on complaint

Again, thank you again for jumping on this matter. The quick actions taken has really impressed USAA Executive Management team. Makes me proud of the organization.

Let me know what additional information you need and we will pull it.

True

Att. #63

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE, and
HEATHER ANN TUCCI-JARRAF

3:17-CR-82
Judges Varlan/Shirley

UNITED STATES OF AMERICA'S MOTION *IN LIMINE*
TO PROHIBIT JURISDICTION ARGUMENT

The United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, hereby respectfully requests under Federal Rule of Evidence 401, 402 and 403 that the Court grant its First Motion *in Limine* to prohibit evidence relating to this Court's jurisdiction. Defendants have asserted that this Court lacks jurisdiction and that the federal government is "defaulted" and therefore lacks any authority over the defendants or the proceedings in this case. Given the defendants' previous filings and assertions, the United States expects the defendants to advance these theories before the jury at trial. However, any evidence suggesting this Court lacks jurisdiction is irrelevant, confusing and misleading. Moreover, it is wrong. See 18 U.S.C. § 3231; *United States v. Pryor*, 842 F.3d 441 (6th Cir. 2016); (Doc. 62, Report and Recommendation, pg. 8-10; Doc. 69, Memorandum and Order Accepting R &R, pg. 5.) Accordingly, such testimony and evidence should be excluded pursuant to Rules 401, 402 and 403 of the Federal Rules of Evidence.

PROCEDURAL HISTORY

On July 18, 2017, a Grand Jury sitting in the Eastern District of Tennessee returned an Indictment charging Beane with five counts of wire fraud in violation of 18 U.S.C. § 1343 and one count of conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h); Tucci-

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL KEITH BEANE and
HEATHER ANN TUCCI-JARRAF,

Defendants.

No.: 3:17-CR-82-TAV-CCS

MEMORANDUM OPINION AND ORDER

This criminal case is before the Court on the government's Motion in Limine to Prohibit Jurisdictional Argument [Doc. 78]. This is the only motion in limine filed in this case, and the deadline for filing further motions in limine has now passed [Doc. 77 p. 2]. The Court held a final pretrial conference on January 12, at which the defendants requested additional time to review and respond to the government's motion. The Court granted this request and ordered the defendants to file any responses to the government's motion by January 16. Defendant Heather Ann Tucci-Jarraf has now filed a response brief [Doc. 86], as well as an additional filing that the Court likewise construes as a response [Doc. 81]. Defendant Randall Beane has not responded to the government's motion. For the reasons explained below, the Court will grant the government's motion in limine.

I. Standard of Review

"Motions in limine allow the Court to rule on evidentiary issues prior to trial in order to avoid delay and focus pertinent issues for the jury's consideration." *United States v.*

III. Conclusion

Accordingly, the Court hereby **GRANTS** the government's Motion in Limine to Prohibit Jurisdictional Argument [Doc. 78]. It is therefore **ORDERED** that the defendants are prohibited from offering any evidence, testimony, or argument at trial concerning the following subjects: (1) whether this Court has subject-matter jurisdiction over these proceedings; (2) whether the United States government is defaulted, has been foreclosed, or is otherwise legally impaired; and (3) whether the United States government has legal authority to bring a prosecution of the defendants for the charged offenses.

IT IS SO ORDERED.

s/ Thomas A. Varlan

CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,
Plaintiff,

No. 3:17-cr-82-TAV-DCP

v.

RANDALL KEITH BEANE,
Defendant.

USAA FEDERAL SAVINGS BANK'S PETITION OF THIRD PARTY INTEREST

1. I, David True Brown Jr., am a Director of Financial Crimes Investigations for USAA. As part of my job duties, I am responsible for leading/coordinating internal investigations into member fraud, including fraud against USAA Federal Savings Bank ("USAA FSB"). In that role, I have reviewed the documents associated with the fraud perpetrated by Randall Keith Beane against USAA FSB.

2. As set out in the Indictment filed by the United States on July 18, 2017, (Doc. 3), and Preliminary Order of Forfeiture (Doc. 224), Defendant Randall Keith Beane ("the Defendant") fraudulently obtained at least \$553,749.99 from USAA FSB through bank fraud. The Defendant used a portion of the funds fraudulently obtained from USAA FSB to purchase a 2017 Integra Cornerstone 445B 45-foot diesel motorhome, VIN 4VZVU1E94HC082752 ("the Motorhome").

3. Tennessee state law governs USAA FSB's interest in the vehicle as a result of the Defendant's fraudulent acts. *See, e.g., United States v. Shefton*, 548 F.3d 1360, 1364 (11th Cir. 2008) ("[W]e apply state law to determine the nature of the [petitioner]'s interest in the Forfeited Property."). However, "whether the [petitioner]'s interest in the Forfeited Property is superior and

thus renders the forfeiture order invalid under [28 U.S.C.] § 853(n)(6) is a matter of federal law.”

Id.

4. Tennessee law imposes a constructive trust when a party “holds the legal right to property which he ought not” as a result of “fraud, actual or constructive, by duress or abuse of confidence, by commission of wrong, or by any form of unconscionable conduct, artifice, concealment, or questionable means.” *Central Bus Lines v. Hamilton Nat’l Bank*, 239 S.W.2d 583, 585 (Tenn. Ct. App. 1951). Further, a constructive trust may be placed on property where “the funds misappropriated [can] be traced into the specific property sought to be made the subject of the trust.” *McConnell v. Henochsberg*, 11 Tenn. App. 176, 187 (1929).

5. As established at the Defendant’s trial, and according to the records of USAA FSB, the funds used to purchase the Motorhome in question are directly traceable to those funds fraudulently obtained from USAA FSB by Defendant. On July 6, 2017, Defendant used a fictitious bank account number and Federal Reserve Bank routing number to fraudulently purchase jumbo Certificate of Deposits (CDs) from USAA FSB, proceeded to immediately liquidate the fraudulently acquired CDs, and then transferred the liquidated funds to his USAA FSB deposit account. On July 7, 2017, Defendant wire transferred \$493,110.68 in fraudulently obtained funds from his USAA FSB deposit account to an account at Whitney Bank belonging to a motorhome dealership in order to purchase the Motorhome from the dealership. Defendant purchased the Motorhome entirely with the fraudulently obtained funds and obtained possession of the Motorhome prior to his arrest and the Motorhome’s seizure. The dealership sold the Motorhome to Defendant in exchange for the wired funds that were fraudulently obtained from USAA FSB. As a result of the foregoing activity, all of the monies used to purchase the Motorhome are directly

Att. #65.2


traceable to Defendant's bank fraud against USAA FSB. Therefore, USAA FSB contends it should have a constructive trust over the Motorhome.

6. USAA FSB's constructive trust over the Motorhome constitutes a superior legal interest pursuant to 21 U.S.C. § 853(n). *See United States v. Campos*, 859 F.2d 1233, 1238 (6th Cir. 1988) (explaining in dicta that a constructive trust would constitute a superior legal interest under § 853(n)); *see also Shefton*, 548 F.3d at 1365 (holding that "a constructive trust, despite being an equitable remedy, constitutes a 'legal right, title, or interest in . . . property' under § 853(n)(6)(A)," which "can render a forfeiture order invalid pursuant to that subsection").

7. Accordingly, USAA FSB's legal interest in the Motorhome entitles USAA FSB to recover the Motorhome and manage any sale or disposition of the asset as it sees fit. If, however, USAA FSB is not awarded the Motorhome as requested, USAA FSB claims it is entitled to at least \$553,749.99 as part of this forfeiture action based on the fraudulently obtained proceeds.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the factual statements in the foregoing are true and correct. The legal arguments were provided by counsel.

Executed on this 24 day of September, 2018.


David True Brown Jr.
Director, Financial Crimes Investigations
On Behalf of USAA Federal Savings Bank

Att. #65.3

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE

3:17-CR-82

Judge Varlan

MOTION FOR ENTRY OF PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure, moves this Court for the entry of a Preliminary Order of Forfeiture, and in support thereof, states as follows:

On July 18, 2017, an Indictment was filed charging the defendant, Randall Keith Beane, with wire fraud, bank fraud and conspiracy to launder money, in violation of 18 U.S.C. §§ 1343, 1344 and 1956(h) (Counts One through Seven). (Doc. 3, Indictment.) The United States included forfeiture allegations in the Indictment. (*Id.* at pg.7.)

The United States seeks forfeiture of the interest of the defendant in any property derived from or traceable to property derived from proceeds of the wire fraud and bank fraud violations and property involved in the commission of money laundering offense, as set forth in the Indictment, pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2). Specifically, the United States seeks to forfeit the defendant's interest in a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN 4VZVU1E94HC082752 and a personal money judgment in favor of the United States and against the defendant for \$553,749.99 ("subject property"), such amount representing the proceeds the defendant personally obtained as a result of the defendant's criminal violations.

On February 1, 2018, after trial, a duly empaneled jury returned guilty verdicts against the defendant for violations of 18 U.S.C. §§ 1343, 1344 and 1956(h). (Doc. 119, Jury Verdict.)

Att. #66.1

By virtue of the conviction and the evidence produced at trial, the United States asks the Court to determine that the subject property be forfeited pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and that the United States has established the requisite nexus between the subject property and the offense pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

The evidence produced at trial demonstrates that the defendant purchased the 2017 Entegra motorhome with funds he obtained directly as a result of the defendant's criminal violations. (Doc. 165, Trial Tr. Volume IV, pgs. 175, 179, 195, 207.) The defendant admitted to purchasing over 30 jumbo certificates of deposit using a fictitious bank account number (*i.e.*, defendant's Social Security Number) and a routing number to the Federal Reserve. (*Id.* at pg. 179.) The defendant further admitted that he used the funds from those CDs to pay bills, purchase a truck from Ted Russell Ford and to buy the motorhome. (*Id.* at pgs. 179, 195, 207.) Thus, the motorhome is directly traceable to the defendant's fraud violations.

The money judgment amount, as alleged in the Indictment, is a conservative estimate of the funds the defendant obtained and used as a result of the fraudulent wire transfers. At trial, the evidence showed the defendant paid off four consumer loans, bought a truck (later returned) and the motorhome. (Doc. 162, Trial Tr. Vol I, pg. 123-124.) In total, the United States submits that the amount the defendant personally obtained as a result of the fraudulent purchase of the certificates of deposit was at least \$553,749.99.¹

Accordingly, it is now time for entry of a Preliminary Order of Forfeiture to direct the United States Marshals Service to secure custody of the properties and to begin the publication

¹ This amount is different from the restitution amount owed to the victim bank. This is because some of the payments the defendant made with the fraudulently obtained funds went directly to the victim bank to pay consumer loans the defendant had with the victim bank.

and notice process to all interested third parties in the case, pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1). To effectuate the procedural mandates of 21 U.S.C. § 853, a proposed Preliminary Order of Forfeiture is submitted to the Court.

Wherefore, the United States respectfully moves for entry of the proposed Preliminary Order of Forfeiture.

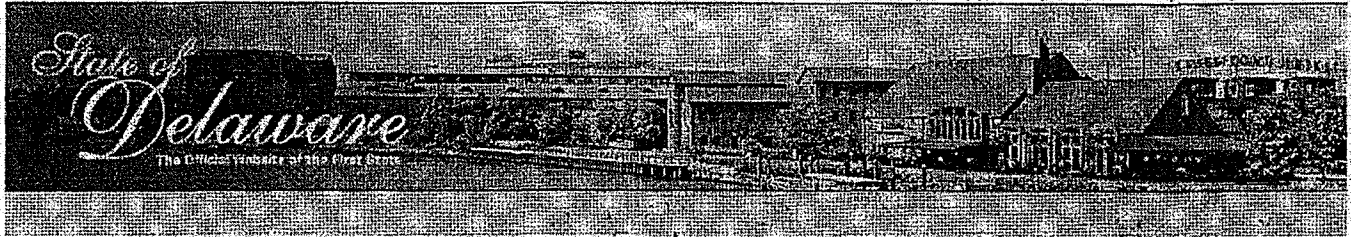
J. DOUGLAS OVERBEY
United States Attorney

By: s/Ane-Marie Svolto
ANNE-MARIE SVOLTO
Assistant United States Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 3702
(865) 545-4167

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by regular U.S. mail. \

s/Ane-Marie Svolto
ANNE-MARIE SVOLTO
Assistant U.S. Attorney



Department of State: Division of Corporations

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Entity Details

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File Number:	2193946	Incorporation Date/Formation Date:	4/19/1989 (mm/dd/yyyy)
Entity Name:	UNITED STATES OF AMERICA, INC.		
Entity Kind:	Corporation	Entity Type:	Exempt
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	THE COMPANY CORPORATION		
Address:	251 LITTLE FALLS DRIVE		
City:	WILMINGTON	County:	New Castle
State:	DE	Postal Code:	19808
Phone:	302-636-5440		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

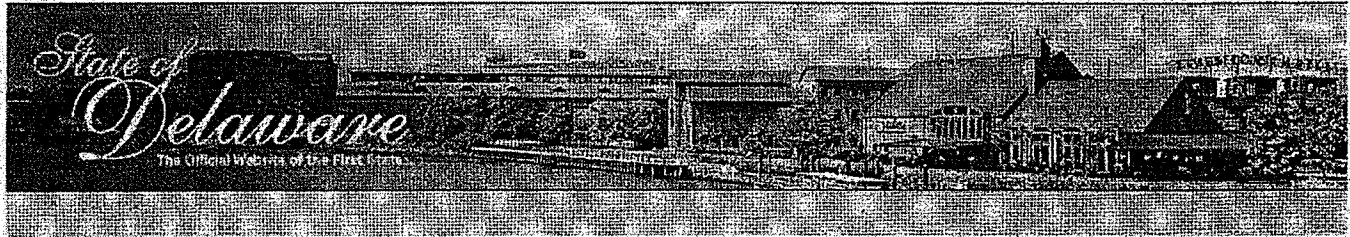
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Att. #67



Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number	4525682	Incorporation Date	4/14/2008 (mm/dd/yyyy)
Entity Name	THE UNITED STATES OF AMERICA, INC.		
Entity Kind	Corporation	Entity Type	General
Residency	Domestic	State	DELAWARE

REGISTERED AGENT INFORMATION

Name	SPIEGEL & UTRERA, P.A.		
Address	9 EAST LOOCKERMAN ST STE 202		
City	DOVER	County	Kent
State	DE	Postal Code	19901
Phone	302-744-9800		

Additional information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Att. #68

OFFENCE, crimes. The doing that which a penal law forbids to be done, or omitting to do what it commands; in this sense it is nearly synonymous with crime. (q. v.) In a more confined sense, it may be considered as having the same meaning with misdemeanor, (q. v.) but it differs from it in this, that **it is not indictable**, but punishable summarily by the forfeiture of a penalty. 1 Chit. Prac. 14.

OFFER, contracts. A proposition to do a thing.

2. An offer ought to contain a right, if accepted, of compelling the fulfilment of the contract, and this right when not expressed, is always implied.

3. By virtue of his natural liberty, a man may change his will at any time, if it is not to the injury of another; he may, therefore, revoke or recall his offers, at any time before they have been accepted; and, in order to deprive him of this right, the offer must have been accepted on the terms in which it was made. 10 Ves. 438; 2 C. & P. 553.

4. Any qualification of, or departure from those terms, invalidates the offer, unless the same be agreed to by the party who made it. 4 Wheat. R. 225; 3 John. R. 534; 7 John. 470; 6 Wend. 103.

5. When the offer has been made, the party is presumed to be willing to enter into the contract for the time limited, and, if the time be not fixed by the offer, then until it be expressly revoked, or rendered nugatory by a contrary presumption. 6 Wend. 103. See 8 S. & R. 243; 1 Pick. 278; 10 Pick. 326; 12 John. 190; 9 Porter, 605; 1 Bell's Com. 326, 5th ed.; Poth. Vente, n. 32; 1 Bouv. Inst. n. 577, et seq.; and see Acceptance of contracts; Assent; Bid.

OFFICE. An office is a right to exercise a public function or employment, and to take the fees and emoluments belonging to it., Shelf. on Mortm. 797; Cruise, Dig. Index, h. t.; 3 Serg. & R. 149.

2. Offices may be classed into civil and military.

3. - 1. Civil offices may be classed into political, judicial, and ministerial.

4. - 1. The political offices are such as are not connected immediately with the administration of justice, or the execution of the mandates of a superior officer; the office of the president of the United States, of the heads of departments, of the members of the legislature, are of this number.

5. - 2. The judicial offices are those which relate to the administration of justice, and which must be exercised by persons of sufficient skill and experience in the duties which appertain to them.

6. - 3. Ministerial offices are those which give the officer no power to judge of the matter to be done, and require him to obey the mandates of a superior. 7 Mass. 280 - See 5 Wend. 170; 10 Wend. 514; 8 Verm. 512; Breese, 280. It is a general rule, that a judicial officer while a ministerial may.

Att. #69

and-have shore on either side of them. The latter, Viz. brecks of ports, are by a kind of civil denomination such. They are such, that though possibly for their extent and. situation they might be ports, yet they are either members of or dependent upon other ports. In England it began thus: the king, could not conveniently have a customer and comptroller in every port or haven. But these custom officers were fixed at some eminent port; and the smaller adjacent ports became by that means creeks, or appendants. of that where these custom officers were placed. 1 Chit. Com. Law, 726; Hale's Tract. de Portibus Maris, part 2, c. 1, vol. 1, p. 46; Com. Dig. Navigation, C; Callis, 34.

2. In a more popular sense, creek signifies a small stream, less than a river. 12 Pick. R. 184,

CRETION, civil law.. The acceptance of a succession. Cretion was an act made before a magistrate, by which an instituted heir, who was required to accept of the succession within a certain time, declares within that time that he accepted the succession. Clef des Lois Rom. h. t.

2. Cretion is also used to signify the term during which the heir is allowed to make his election to take or not to take the inheritance. It is so called, because the heir is allowed to see, cernere, examine, and decide. Gaii, lust. lib. 2, 164.

CREW. Those persons who are employed in the navigation of a vessel.

2. A vessel to be seaworthy must have a sufficient crew. 1 Caines, R. 32; 1 John. R. 184.

3. In general, the master or captain (q.v.) has the selection of the crew. Vide Muster roll; Seaman; Ship; Shipping articles.

CRIB-BITING. A defect in horses, which consists in biting the crib while in the stable: This is not, considered as a breach of general warranty of soundness. Holt's Cas. 630.

CRIER. An inferior officer of a court, whose duty it is to open and adjourn the court, when ordered by the judges; to make proclamations and obey the directions of the court in anything which concerns the administration of justice.

CRIME. A crime is an offence against a public law. This word, in its most general signification, comprehends all offences but, in its limited sense, it is confined to felony. 1 Chitty, Gen. Pr. 14.

2. The term misdemeanor includes every offence inferior to felony, but punishable by indictment or by-particular prescribed proceedings.

3. The term offence, also, may be considered as, having the same meaning, but is usually, by itself, understood to be a crime not indictable but punishable, summarily, or by the forfeiture of, a penalty. Burn's Just. Misdemeanor.

4. Crimes are defined and punished by statutes and by the common law. Most common law offences are as well known, and as precisely ascertained, as those which are defined by statutes; yet, from the difficulty of exactly defining and describing every act which ought to be punished, the vital and preserving principle has been adopted, that all immoral acts which tend to the prejudice of the community are punishable by courts of justice. 2 Swift's Dig.

5. Crimes are mala in se, or bad in themselves; and these include. all offences mala prohibita, bad because prohibited, as being against sound policy; wh

nt
Att. #70

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

2017 JUL 18 P 5:29

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE, and
HEATHER ANN TUCCI-JARRAF

No. 3:17-CR-82

Judges: Varlan/Shirley

INDICTMENT

The Grand Jury charges as follows:

COUNTS ONE THROUGH FIVE

Wire Fraud
(18 U.S.C. § 1343)

INTRODUCTION

Case No: 1:17-mj-531
Assigned To: Magistrate Judge Deborah A. Robinson
Date Assigned: 7/26/2017
Description: Arrest Warrant (Rule 40)

At all times relevant to this indictment:

1. United States Automobile Association ("USAA") is a financial institution insured by the Federal Deposit Insurance Corporation ("FDIC") with a home office in San Antonio, Texas. USAA offers products in the insurance, banking investing, real estate and retirement arenas.
2. Federal Reserve Bank in New York is a financial institution, located in New York, New York.
3. Whitney Bank is a FDIC insured financial institution with a home office in Louisiana.
4. The defendant, RANDALL KEITH BEANE, was a member and account holder at United States Automobile Association ("USAA").

Att. #71.1

Case 3:17-cr-00082-TAV-CCS *SEALED* Document 3 Filed 07/18/17 Page 1 of 8 PageID #: 3

Case 3:17-cr-00082-TAV-DCP Document 173-1 Filed 05/03/18 Page 68 of 77 PageID #: 17777

Case 3:17-cr-00082-TAV-DCP Document 276-4 Filed 11/03/21 Page 446 of 486 PageID #: 20793

5. The defendant, **RANDALL KEITH BEANE**, did not have an account ending in xxxxx-1135 at the Federal Reserve Bank.

6. All wire transfers discussed herein went through the Automated Clearing House and Fedwire.

7. **HEATHER ANN TUCCI-JARRAF**, is not a duly licensed attorney in the states of Tennessee and Washington authorized to represent others in legal matters.

THE SCHEME

8. In or around July 2017, **RANDALL KEITH BEANE**, and others known and unknown to the Grand Jury, embarked upon a scheme through which they sought to obtain and access funds that did not belong to them by exploiting the online banking options available through USAA.

9. The scheme involved the use of a valid routing number ending in xxxxx-1452, belonging to Federal Reserve Bank, and a fictitious bank account number ending in xxxxx-1135.

10. It was part of the scheme to make numerous attempts using the valid routing number and fictitious bank account number to purchase jumbo Certificates of Deposit ("CDs"), until a transfer was completed.

11. It was further part of the scheme to immediately liquidate the CDs and then transfer proceeds from the CDs to **BEANE'S** personal bank account to purchase assets and pay personal expenses with funds that did not belong to him, including the purchase of a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome.

12. It was further part of the scheme that **HEATHER ANN TUCCI-JARRAF** purported to be **BEANE'S** attorney in order to induce, coerce and convince certain financial institutions to accept the fraudulently obtained funds for payment of a 2017 45B; 45 foot diesel motorhome.

Att. #71.2

MANNER AND MEANS

13. In furtherance of the scheme, and to accomplish the ends thereof, the defendant, **RANDALL KEITH BEANE**, and others known and unknown to the Grand Jury, used the following means, among others:

- a. Defendant **RANDALL KEITH BEANE** was a member and account holder at United States Automobile Association ("USAA");
- b. The defendant, **RANDALL KEITH BEANE**, did not hold an account ending in xxxxx-1135 at Federal Reserve Bank.
- c. The defendant, **RANDALL KEITH BEANE**, obtained from others known and unknown to the Grand Jury, the valid routing number of Federal Reserve Bank, that is routing number ending in xxxix-1452.
- d. The defendant, **RANDALL KEITH BEANE** used his mobile device to access his USAA account.
- e. The defendant, **RANDALL KEITH BEANE**, would and did conduct electronic financial transactions, including the purchase and attempted purchase of jumbo CDs through USAA, in which the defendant **RANDALL KEITH BEANE**, falsely represented the funding source by using a fictitious account number that is account number ending in xxxxx-1135.
- f. The vast majority of CDs the defendant, **RANDALL KEITH BEANE**, attempted to purchase through the scheme were returned as invalid because there was no valid account number entered. However, two CDs were funded by USAA bank and liquidated by the defendant, **RANDALL KEITH BEANE**, before the transaction.

Att. #71.3

g. The defendant, RANDALL KEITH BEANE, would and did use funds fraudulently acquired through the CD purchase scheme to make purchases for his own personal benefit to include the purchase of a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome.

EXECUTION OF THE SCHEME

14. The allegations set forth in Paragraphs One through Thirteen are incorporated herein for reference for the purpose of alleging violations of 18 U.S.C. § 1343.

15. On or about the dates set forth below, within the Eastern District of Tennessee and elsewhere, the defendant, RANDALL KEITH BEANE, for the purposes of executing and attempting to execute the above-described scheme and artifice to defraud, purchased jumbo CDs with funds that did not belong to him by using routing numbers that did not belong to his accounts and fictitious bank accounts, and in so doing did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, signals and sounds including, without limitation the following:

COUNT	DATE	DESCRIPTION OF TRANSMISSION
1	7/6/2017	BEANE transferred funds he did not own, via wire, using Federal Reserve New York, routing number xxxxx-1452 and fictitious account number ending xxxxx-1135 to purchase CD number xxxxx-4613 in the amount of \$500,000.
2	7/6/2017	CD number xxxxx-4613 in the amount of \$500,000 was closed and funds in the amount of \$499,909.59 were transferred, via wire, to one of BEANE'S personal bank accounts at USAA, account number ending in xxxxx-3062.
3	7/6/2017	BEANE transferred funds he did not own, via wire, using Federal Reserve New York, routing number xxxxx-1452 and fictitious account number xxxxx-1135 to purchase CD number xxxxx-4623 in the amount of \$999,000.

Att. #71.4

COUNT	DATE	DESCRIPTION OF TRANSMISSION
4	7/6/2017	CD number xxxxx-4623 in the amount of \$999,000 was closed and funds in the amount of \$998,819.36 were transferred, via wire, to one of BEANE'S personal bank accounts at USAA, account number xxxxx-3062.
5	7/7/2017	BEANE transferred the sum of \$493,110.68, via wire from BEANE's personal account number xxxxx-4026 to Whitney Bank account number xxxxx-4960 belonging to B.G., whose identity is known to the Grand Jury, for the purchase of a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome.

All in violation of Title 18, United States Code, Section 1343.

COUNT SIX

BANK FRAUD
(18 U.S.C. § 1344)

16. The allegations contained above in Paragraphs One through Fifteen are incorporated herein by reference for the purpose of alleging a violation of Title 18, United States Code, Section 1344.

17. From on or about July 5, 2017, continuing through at least on or about July 11, 2017, in the Eastern District of Tennessee, for the purpose of executing the scheme described above, the defendant, **RANDALL KEITH BEANE**, devised a scheme to defraud financial institutions and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises, executed and attempted to wit, to purchase Certificates of Deposit with money that did not belong to him, without permission or authority, alter the financial instruments, and liquidate the CDs at and through financial institutions in order to obtain money and property fraudulently and for defendant's own use and benefit.

All in violation of Title 18, United States Code, Section 1344.

5

Case 3:17-cr-00082-TAV-CCS *SEALED* Document 3 Filed 07/18
#: 7

Case 3:17-cr-00082-TAV-DCP Document 173-1 Filed 05/03/18 Page 72 of 77 PageID #: 17781

Case 3:17-cr-00082-TAV-DCP Document 276-4 Filed 11/03/21 Page 450 of 486 PageID #: 20797

Att. #71.5

COUNT SEVEN

CONSPIRACY TO COMMIT MONEY LAUNDERING
(18 U.S.C. § 1956(h))

18. The allegations contained above in Paragraphs One through Seventeen are incorporated herein by reference for purpose of alleging conspiracy to commit money laundering in violation of Title 18, United States Code, Section 1956(h).

19. The Grand Jury further charges that in on or about July 2017, in the Eastern District of Tennessee and elsewhere, the defendants **RANDALL KEITH BEANE** and **HEATHER ANN TUCCI-JARRAF**, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury to commit certain offenses against the United States, in violation of Title 18, United States Code, Sections 1956 and 1957, as follows:

a. knowingly conducting and attempting to conduct financial transactions affecting interstate commerce, which transactions involved the proceeds of specified unlawful activity, that is, (wire fraud, bank fraud), in violation of Title 18, United States Code, Sections 1343 and 1344, with the intent to promote the carrying on of a specified unlawful activity, that is bank and wire fraud, and that while conducting such financial transactions knew that the property involved in the financial transactions represented the proceeds for some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i);

b. knowingly conducting and attempting to conduct financial transactions affecting interstate commerce, which involved the proceeds of specified unlawful activity, that is: (1) wire fraud in violation of 18 U.S.C. § 1343 and (2) bank fraud in violation of 18 U.S.C. § 1344, knowing that the transactions were designed in whole and in part to conceal and disguise
the nature, location, source, ownership, and control of the proceeds of specified unlawful
activity, and that while conducting and attempting to conduct such financial transactions, knew

that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

c. knowingly engaging and attempting to engage in monetary transactions by, through or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is (1) wire fraud in violation of 18 U.S.C. § 1343; and (2) bank fraud in violation of 18 U.S.C. § 1344, in violation of Title 18, United States Code, Section 1957.

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATIONS

20. The allegations contained in Counts One through Seven of this Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. §§ 982(a)(1), 982(a)(2) and 28 U.S.C. § 2461.

21. Pursuant to 18 U.S.C. § 982(a)(2), upon conviction of any offense in violation of 18 U.S.C. §§ 1344, 1343, and any defendant so convicted shall forfeit to the United States any property, real or personal, constituting or traceable to the proceeds of any violation of 18 U.S.C. §§ 1344, 1343, including but not limited to the following property:

- a. 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN # 4VZVU1E94HC082752; topaz in color with eight wheels ("motorhome"); and
- b. A personal money judgment in favor of the United States and against the defendant, RANDALL KEITH BEANE, in the amount of \$553,749.99, which represents the proceeds the defendant personally obtained, directly or indirectly, as a result of the criminal violations of 18 U.S.C. §§ 1343; and 1344.

22. Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of an offense in violation of 18 U.S.C. 1956(h), any defendant so convicted shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property, including but not limited to the following property:

Att. #71.7

- a. 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN # 4VZVU1E94HC082752; topaz in color with eight wheels ("motorhome").

23. Pursuant to Title 21, United States Code, Section 853(p), the defendants shall forfeit substitute property, up to the value of the property subject to forfeiture, if by any act or omission of any of the defendants, said property, or any portion thereof:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461.

A TRUE BILL:

Signature Redacted
FOREPERSON

NANCY STALLARD HARR
UNITED STATES ATTORNEY



CYNTHIA F. DAVIDSON
ANNE-MARIE SVOLTO
Assistant United States Attorneys

Att. #71.8

21.2-6.1

LAWS
of C. Campbell
THE UNITED STATES OF AMERICA,

FROM

THE 4th OF MARCH, 1789, TO THE 4th OF MARCH, 1815,

INCLUDING

THE CONSTITUTION OF THE UNITED STATES, THE OLD ACT OF
CONFEDERATION, TREATIES,

AND MANY OTHER VALUABLE ORDINANCES AND DOCUMENTS;

WITH

COPIOUS NOTES AND REFERENCES.

ARRANGED AND PUBLISHED UNDER THE AUTHORITY OF AN ACT OF CONGRESS.

IN FIVE VOLUMES.

NEW YORK
VOL. I
PUBLIC
LIBRARY

ASTOR LIBRARY
NEW YORK

PUBLISHED BY

JOHN BIOREN AND W. JOHN DUANE, PHILADELPHIA, AND
R. C. WEIGHTMAN, WASHINGTON CITY.

1815.

Att. #72.1

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Actual mode of electing the president and vice president of the United States.

[Note. In illustration of this amendment, see chap. 403, vol. 3.]

tives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office of emolument of any kind, &c. [See, as connected with this subject, ante, art. 1, sec. 9, clause 7, page 65.]

[Note. The 11th article of the amendments to the constitution, was proposed at the second session of the third congress: the 12th article, at the first session of the eighth congress: and the 13th article, at the second session of the eleventh congress.]

CHAPTER 5.

Treaty establishing the rules of correspondence and commerce between the United States and France.

Treaties, contracts, and conventions, concluded, at different periods, between the United States of America and France, up to the year 1814.

No. 1. Treaty of amity and commerce between the United States of America and his most christian majesty.

ORIGINAL.

Treaty of amity and commerce.

ORIGINAL.

Traite d'amitie et de commerce.

THE most christian king, LE roi très chrétien, et les and the thirteen United States treize Etats Unis de l'Amérique of North America, to wit: New-Septentrionale, savoir, New Hampshire, Massachusetts Bay, Hampshire, la Baye de Massa-

Att. #72.2

CONSTITUTION OF THE STATE OF TENNESSEE

Preamble and Declaration of Rights

Whereas, The people of the territory of the United States south of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the Constitution of the United States, and the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north west of the Ohio River, by their delegates and representatives in convention assembled, did on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution, or form of government, and mutually agreed with each other to form themselves into a free and independent state by the name of the state of Tennessee, and,

Whereas, The General Assembly of the said state of Tennessee, (pursuant to the third section of the tenth article of the Constitution,) by an act passed on the Twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled, "An Act" to provide for the calling of a convention, passed in obedience to the declared will of the voters of the state, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election by the people of delegates and representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending, or changing, the Constitution, and said convention did accordingly meet and form a Constitution which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five, and,

Whereas, The General Assembly of said state of Tennessee, under and in virtue of the first section of the first article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the state, by an act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the state, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and,

Whereas, The people of the state, in the mode provided by said Act, have called said convention, and elected delegates to represent them therein; now therefore,

We, the delegates and representatives of the people of the state of Tennessee, duly elected, and in convention assembled, in pursuance of said act of Assembly have ordained and established the following Constitution and form of government for this state, which we recommend to the people of Tennessee for their ratification: That is to say

ARTICLE I.

Declaration of Rights.

Section 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Section 2. That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Section 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

Section 4. That no political or religious test, other than an oath to support the Constitution of the United States and of this state, shall ever be required as a qualification to any office or public trust under this state.

Section 5. The elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.

Section 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

Section 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not be granted.

Section 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

Section 9. That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Section 10. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Section 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

Section 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Section 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

Section 14. That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

Section 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. And the privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

Section 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 17. That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner and in such courts as the Legislature may by law direct.

Section 18. The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

Section 19. That the printing press shall be free to every person to examine the proceedings of the Legislature; or of any branch or officer of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

Section 20. That no retrospective law, or law impairing the obligations of contracts, shall be made.

Section 21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefore.

Section 22. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

Section 23. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address of remonstrance.

Section 24. That the sure and certain defense of a free people, is a well regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

Section 25. That no citizen of this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers, or others, to dispose of the persons, liberties or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this state.

CASE NO. 18-5752

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA, Appellee,

- vs -

HEATHER ANN TUCCI-JARRAF, Appellant.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

OPENING BRIEF OF APPELLANT HEATHER ANN TUCCI-JARRAF

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Counsel for Appellant Heather Ann Tucci-Jarraf

Att. #74.1

JURISDICTIONAL STATEMENT

The United States District Court for the Eastern District of Tennessee had original jurisdiction over this case pursuant to 18 U.S.C. § 3231, which gives district courts original and exclusive jurisdiction over federal crimes and subsequent violations of federal sentences. Heather Ann Tucci-Jarraf appeals as a matter of right the judgment entered against her on July 17, 2018 [R. 216, Judgment and Commitment Order, 07/19/18, PageID# 18599], the conviction adjudged against her on February 1, 2018 [R. 117, Minute Entry, 02/01/18, PageID# 3491; R. 119, Jury Verdict, 02/01/18, PageID# 3497], and various orders entered against her in the pretrial, trial, and post-trial phases of her case. 28 U.S.C. § 1291; 18 U.S.C. § 3742. Ms. Tucci-Jarraf filed a timely notice of appeal on July 19, 2018. [R. 218, Notice of Appeal, 07/19/18, Page ID# 18609] The judgment entered against her disposed of all claims, and was a final decision of the lower court. The Court thus has jurisdiction over Ms. Tucci-Jarraf's appeal pursuant to 28 U.S.C. § 1291.

IN THE
United States Court of Appeals
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RANDALL KEITH BEANE
(#52505-074),

Defendant-Appellant,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

OPENING BRIEF OF APPELLANT
RANDALL KEITH BEANE

Stephen L. Braga

Sarah Crandall (*Third Year Law Student*)

Brian Diliberto (*Third Year Law Student*)

Elizabeth Joynes (*Third Year Law Student*)

Amanda Lineberry (*Third Year Law Student*)

UNIVERSITY OF VIRGINIA

SCHOOL OF LAW

Appellate Litigation Clinic

580 Massie Road

Charlottesville, Virginia 22903-1789

(434) 924-3825

stevebraga@virginia.edu

Att. #75.1

Counsel for Appellant

STATEMENT OF JURISDICTION

The district court had jurisdiction of this action pursuant to 28 U.S.C. § 1331 (1980) as it arose under laws of the United States, 18 U.S.C. §§ 1343–1344 (2008) and 18 U.S.C. § 1956(h) (2016). This court has jurisdiction under 28 U.S.C. § 1291 (1982) because the district court entered a final judgment against Beane on all counts on February 1, 2018, from which he timely appealed on July 25, 2018.

STATEMENT OF ISSUE FOR REVIEW

1. Whether the trial court erred in granting Beane's request to proceed *pro se*, and/or in failing to revisit that decision, in the face of Beane's repeated demonstrations throughout every stage of the proceedings below that under any objective standard he was incompetent to represent himself, especially at a joint trial where he was subject to being unduly influenced by his alleged coconspirator?

STATEMENT OF THE CASE

On July 18, 2017, Beane was indicted on five counts of wire fraud, one count of bank fraud, and one count of conspiracy to commit money laundering. Indictment, R. 3, Page ID # 3–10. Heather Anne Tucci-Jarraf ("Tucci-Jarraf") was indicted as Beane's coconspirator in the money laundering conspiracy. After a jury trial, *at which Beane and Tucci-Jarraf both represented themselves*, the defendants were convicted on all charges. Transcript, R. 168, Page

Att. #75.2

What is Money Laundering?

Money laundering is the process by which criminals conceal or disguise their proceeds and make them appear to have come from legitimate sources.

Money laundering allows criminals to hide and accumulate wealth, avoid prosecution, evade taxes, increase profits through reinvestment, and fund further criminal activity.

While many definitions for money laundering exist, it can be defined very simply as turning "dirty" money into "clean" money. And it's a significant crime—money laundering can undermine the integrity and stability of financial institutions and systems, discourage foreign investment, and distort international capital flows.

The FBI focuses its efforts on money laundering facilitation, targeting professional money launderers, key facilitators, gatekeepers, and complex financial institutions, among others.

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Att. #76

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)

v.)

RANDALL KEITH BEANE)

No.: 3:17-CR-82-TAV- DCP

PRELIMINARY ORDER OF FORFEITURE

On July 18, 2017, an Indictment (Doc. 3) was filed charging the defendant, RANDALL KEITH BEANE, with wire fraud, bank fraud and conspiracy to launder money, in violation of 18 U.S.C. §§ 1343, 1344 and 1956(h) (Counts One through Seven).

In the forfeiture allegations of the Indictment, the United States sought forfeiture of the interest of the defendant in any property derived from or traceable to property derived from proceeds of the wire fraud and bank fraud violations and an property involved in the commission of money laundering offense, as set forth in the Indictment, pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2).

On February 1, 2018, the defendant was convicted of the offenses charged in the Indictment. By virtue of the conviction, and the evidence produced at trial, the Court has determined that the properties identified below are subject to forfeiture pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and that the United States has established the requisite nexus between the properties and the offense pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

Att. #77.1

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. Based upon the jury verdict finding the defendant guilty of the offenses in violation of 18 U.S.C. §§ 1343, 1344, and 1956(h), all right, title and interest of the defendant in the following are hereby forfeited to the United States pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and Rule 32.2(b) of the Federal Rules of Criminal Procedure:

(a) 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN 4VZVU1E94HC082752; topaz in color with eight wheels; and

(b) A money judgment in favor of the United States and against the defendant, RANDALL KEITH BEANE, for \$553,749.99, which represents the minimum amount of proceeds RANDALL KEITH BEANE personally obtained, directly or indirectly, as a result of the criminal violations of 18 U.S.C. §§ 1343 and 1344.

2. The aforementioned forfeited properties are to be held by the United States Marshal's Service, or its designated representative, until the case is completed.

3. Pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States hereby gives notice of its intent to dispose of the forfeited properties in such a manner as the United States Attorney General may direct. The Notice shall provide that any person other than the defendant, having or claiming a legal interest in the above-listed forfeited properties must file a petition with the Court within sixty (60) days from the first day of publication of this Notice on the official United States Government internet website, which is www.forfeiture.gov.

4. The notice shall also state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right,

title and interest in the properties, the time and circumstances of the petitioner's acquisition of the right, title and interest in the properties and any additional facts supporting the petitioner's claim and the relief sought. The United States, to the extent practicable, may also provide direct written notice to any person, as a substitute for published notice as to those persons so notified.

5. Because Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment," and pursuant to Rule 32.2(b)(4)(A) and (b)(4)(B), this Preliminary Order of

Forfeiture will become final as to the money judgment in the amount of \$553,749.99 at the time of sentencing, and will be made part of the sentence and included in the Judgment.

6. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order of Forfeiture to substitute property having a value not to exceed \$553,749.99 to satisfy the money judgment in whole or in part.

7. Upon adjudication of all other or third-party interests in the properties, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to the Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ENTER:

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

Submitted by:

J. DOUGLAS OVERBEY
United States Attorney

By: s/*Anne-Marie Svolto*
Anne-Marie Svolto
Cynthia F. Davidson
Assistant United States Attorneys

Att. #77.4

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TENNESSEE
3 AT KNOXVILLE, TENNESSEE

4 UNITED STATES OF AMERICA,)

5 Government,)

6 vs.)

Case No. 3:17-cr-82-1

7 RANDALL KEITH BEANE,)

8 Defendant.)

9 SENTENCING PROCEEDINGS
10 BEFORE THE HONORABLE THOMAS A. VARLAN

11 Tuesday, July 24th, 2018
12 10:09 a.m. to 10:51 a.m.

13 APPEARANCES:

14 ON BEHALF OF THE GOVERNMENT:

15 CYNTHIA F. DAVIDSON, ESQ.
16 ANN-MARIE SVOLTO, ESQ.
17 U.S. DEPARTMENT OF JUSTICE
18 OFFICE OF U.S. ATTORNEY
19 800 Market Street
20 Suite 211
21 Knoxville, TN 37902

22 ON BEHALF OF THE DEFENDANT HEATHER ANN
23 TUCCI-JARRAF: (Appearing Pro Se)

24 STEPHEN G. MC GRATH, ESQ. (Elbow Counsel)
25 ATTORNEY AT LAW
9111 Cross Park Drive
Building D, Suite 200
Knoxville, TN 37923

26 REPORTED BY:

27 Teresa S. Grandchamp, RMR, CRR
28 P.O. Box 1362
29 Knoxville, Tennessee 37901
30 (865) 244-0454

Att. #78.1

1 derived from proceeds of the wire fraud and bank
2 fraud violations and property involved in the
3 commission of a money laundering offense, as set
4 forth in the Indictment and pursuant to 18 United
5 States Code §§ 982(a)(1) and 982(a)(2).

6 Specifically, as set forth in the
7 motion, the United States seeks to forfeit the
8 defendant's interest in the motor home that was the
9 subject or testimony at trial, specifically
10:18AM 10 identified as a 2017 Entegra Cornerstone 45B 45-foot
11 diesel motor home, VIN number listed in the motion.

12 The United States ☐ or the government
13 also seeks a personal money judgment in favor of the
14 government and against the defendant for
15 \$553,749.99, which the government contends is the
16 amount representing the proceeds the defendant
17 personally obtained as a result of the defendant's
18 criminal violations.

19 First, to the extent -- based on the
10:19AM 20 defendant's statement, to the extent the defendant
21 is applying his arguments regarding the lack of
22 jurisdiction of the Court or the lack of the
23 authority of the Court to enter orders or address
24 matters pertaining to the defendant, to the extent
25 the defendant is raising those arguments as a

Att. #78.2

Public Law 97-280

97TH UNITED STATES CONGRESS
1ST SESSION

Joint Resolution

A joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders-among them Presidents Washington, Jackson, Lincoln, and Wilson-paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the President is authorized and requested to designate 1983 as a national "Year of the Bible" in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures.

Approved October 4, 1982.

Att. #79

Notes

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME VI of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 30, 2018
9:19 a.m. to 4:18 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
Blount County Detention Center
920 East Lamar Alexander Parkway
Maryville, Tennessee 37904

**FOR THE DEFENDANT:
(As Elbow Counsel)**

STEPHEN G. McGRATH, ESQUIRE
9111 Cross Park Drive
Suite D-200
Knoxville, Tennessee 37923

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #80.1

Heather Ann Tucci-Jarraf - Cross-Examination

1 at the time, for my federal defender's job down in San Diego,
2 left three days before the bar and decided to do Washington
3 State bar and passed it. It was not hard. It was easy. It
4 was an essay, all essays.

5 Q No problem.

6 A No.

7 Q And after you graduated, you were state prosecutor in
8 Washington state. Right? That's what you testified to.

9 A Actually, no. I went overseas. At one point, for --
10 during the cleanup, I did take on a job at the -- at the public
11 defender's office first, and then moved over to the
12 prosecutor's office in Pierce County.

13 Q Okay. And so you did work for the state prosecutor's
14 office. Right?

15 A I did. For three years, approximately -- May 26th,
16 2003 all the way to February of 2006.

17 Q Okay. And so you're very familiar with the law?

18 A Yes.

19 Q Yes. And you know that the law applies to everyone,
20 don't you?

21 A Yes.

22 Q And you've seen this Black's Law Dictionary?

23 A I'm familiar with Black's Law.

24 Q Everybody buys --

25 A It used to be a joke book --

UNITED STATES DISTRICT COURT

Att. #80.2

Heather Ann Tucci-Jarraf - Cross-Examination

1 Q I'm sorry.

2 A -- and then it got turned into a dictionary. Yes,
3 I'm very familiar with it.

4 Q Okay. And so you know that there is absolutely no
5 difference between the definition of attorney and lawyer, don't
6 you?

7 A Actually, in Bouvier's Dictionary, which is the law
8 book or the law dictionary that at least the judges I worked
9 with at the federal and state levels, that's the one they use.
10 It was Bouvier's. Black's Law, that's what we used in law
11 school.

12 Q Okay. And so you know there's no difference between
13 attorney and lawyer?

14 A Actually, I know there's a difference between
15 attorney and lawyer, based on my experience with DOJ and with
16 the attorneys and the judges that assisted here. That was the
17 part of the fraudulent legal -- or excuse me, the fraud in the
18 legal structure is the difference, the legal terms and how, you
19 know, the general public doesn't understand what the legal
20 standing is of the terms that are used, so pro -- excuse me,
21 pro se and pro per, persona, the difference between that and
22 the legal standing and the consequences, the legal consequences
23 that come from each of those.

24 Q So you're the only one that knows the difference
25 between attorney and lawyer?

UNITED STATES DISTRICT COURT

Att. #80.3

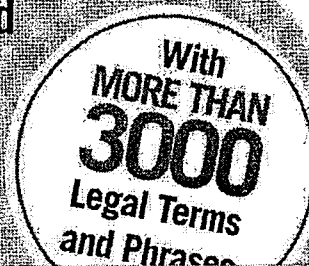


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Amy Hackney Blackwell



Att. #81.1

attainder. N. Under common law, the forfeiting of all civil and property rights after being convicted of treason or a felony. See also *bill of attainder*.

attempt. N. The act of trying to do something, usually unsuccessfully; in criminal law, an intentional effort to commit a crime that failed but could have succeeded. v. *attempt*.

attendant circumstances. N. The facts and circumstances surrounding an event.

attest. v. To declare something to be true; to sign a document as a witness. N. *attestation*.

attorney. N. A lawyer; more generally, an agent appointed to act for another person.

attorney at law. N. A lawyer admitted by a court to practice law in a particular jurisdiction, including drafting legal documents and representing clients in court.

attorney-client privilege. N. In evidence law, the right of attorneys and their clients to withhold information about confidential communications made in the course of their professional relationship.

attorney general. N. An attorney who serves as the head of the Department of Justice and chief legal adviser to the president and who represents the United States in legal matters; each state also has its own attorney general who performs the same functions at the state level.

attorney's fees. N. The fees charged by a lawyer for services rendered to clients. See also *contingent*.

attractive nuisance. N. A doctrine in tort law that a person who keeps something on his or her property that is lik

Att. #81.2

students, usually compiled and edited by a staff of students chosen for their excellent academic record.

Law School Admission Test. N. A test that is required for admission to most law schools. ABBRV. *LSAT*.

laws of war. The laws that govern the actions nations may take when they are at war. See also *Geneva Conventions*, *jus in bello*.

lawsuit. N. An action at law or equity; a dispute brought before a court for determination.

lawyer. N. An attorney; a person who has studied law or who practices law.

lay. ADJ. Not professional or expert in a particular field; nonecclesiastical or nonclergy.

lay judge. N. A judge who has not studied law.

layman. N. A person who is not a professional or expert in a particular field, e.g., in legal situations, a nonlawyer.

layoff. N. The firing of one or many employees in response to business conditions, not for any wrongdoing of the employee; the temporary or permanent termination of one or more workers. See also *downsize*.

lay witness. N. A witness who is not an expert in the field on which he or she is called to testify; see also *expert*.

lead counsel. N. The head lawyer on one side of a lawsuit who is in charge of managing the case and all other attorneys and other people working on it.

leading case. N. A case that is recognized as determining the law on a particular topic and is often cited for that purpose.

Att. #81.3

2. These laws are inserted in the beginning of the book entitled "Us et Coutumes de la Mer," with a very excellent commentary on each section by Clairac, the learned editor. A translation is to be found in the Appendix to 1 Pet. Adm. Dec.; Marsh. Ins. B. 1, c. 1, p. 16. See Laws of Wisbuy: Laws of the Hanse Towns; Code

LAWS OF WISBUY, maritime law. A code of sea laws established by "the merchants and masters of the magnificent city of Wisbuy." This city was the ancient capital of Gothland, an island in the Baltic sea, anciently much celebrated for its commerce and wealth, now an obscure and inconsiderable place. Malyne, in his collection of sea laws, p. 44, says that the laws of Oleron were translated into Dutch by the people of Wisbuy for the use of the Dutch coast. By Dutch probably means German, and it cannot be denied that many of the provisions contained in the Laws of Wisbuy, are precisely the same as those which are found in the Laws of Oleron. The northern writers pretend however that they are more ancient than the Laws of Oleron, or than even the Consolato del Mare. Clairac treats this notion with contempt, and declares that at the time of the promulgation of the laws of Oleron, in 1266, which was many years after they were compiled, the magnificent city of Wisbuy had not yet acquired the denomination of a town. Be this as it may, these laws were for some ages, and indeed still remain, in great authority in the northern part of Europe. "Lex Rhodia navalis," says Grotius, "pro jure gentium, in illo mare Mediterraneo vigeat; sicut apud Gallium leges Oleronis, et apud omnes transrhenanos, leges Wisbuenses." Grotius de Jure bel. lib. 2, c. 3.

A translation of these laws is to be found in 1 Peter's Adm. Dec. Appendix. See Code; Laws of Oleron.

LAWS, RHODIAN, maritime. law. A code of laws adopted by the people of Rhodes, who had, by their commerce and naval victories, obtained the sovereignty of the sea, about nine hundred. years before the Christian era. There is reason to suppose this code has not been transmitted to posterity, at least not in a perfect state. A collection of marine constitutions, under the denomination of Rhodian Laws, may be seen in Vinnius, but they bear evident marks of a spurious origin. See Marsh. Ins. B. 1, c. 4, p. 15; this Dict. Code; Laws of Oleron; Laws of Wisbuy; Laws of the Hanse Towns.

LAWYER. A counsellor; one learned in the law. Vide attorney.

LEGACY. A bequest or gift of goods or chattels by testament. 2 Bl. Com. 512; Bac. Abr. Legacies, A. See Merlin, Répertoire, mot Legs, s. 1; Swinb. 17; Domat, liv. 4, t. 2, §1, n. 1. This word, though properly applicable to bequests of personal estate only, has nevertheless been extended to property not technically within its import, in order to effectuate the intention of the testator, so as to include real property and annuities. 5 T. R. 716; 1 Burr. 268; 7 Ves. 522; Id. 391; 2 Cain. R. 345. Devise is the term more properly applied to gifts of real estate. Godolph. 271.

2. As the testator is presumed at the time of making his will to be inops concilii, his intention is to, be sought for, and any words which manifest the intention to give or create a legacy, are sufficient. Godolph. 281, pt. 3, c. 22, s. 21; Com. Dig. Chancery, 3 Y 4; Bac. Abr.

Att. #82.1

attestation clause to a will, is in the following formula, to wit: "Signed, sealed, published and declared by the above named A B, as and for his last will and testament, in the presence of us, who have hereunto subscribed our names as the witnesses thereto, in the presence of the said testator, and of each other." That of deeds is generally in these words " Sealed and delivered in the presence of us."

2. When there is an attestation clause to a will, unsubscribed by witnesses, the presumption, though slight, is that the will is in an unfinished state; and it must be removed by some extrinsic circumstances. 2 Eccl. Rep. 60. This 'presumption is infinitely slighter, where the writer's iutention to have it regularly attested, is to be collected only from the single vord " witnesses." Id. 214. See 3 Phillim. R. 323; S. C. 1 Eng. Eccl. R. 407.

ATTESTING WITNESS. One who, upon being required by the parties to an instrument, signs his name to it to prove it, and for the purpose of identification.

2. The witness must be desired by the parties to attest it, for unless this be done, he will not be an attesting witness, although he may have seen the parties execute it. 3 Campb. 232. See Competent witness; Credible witness; Disinterested witness; Respectable witness; Subscribing witness; and Witness; Witness instrumentary; 5 Watts, 399; 3 Bin. 194.

ATTORNEY. One who acts for another byvirtue of an appointment by the latter. Attorneys are of various kinds.

2. Attorney in fact. A person to whom the authority of another, who is called the constituent, is by him lawfully delegated. This term is employed to designate persons who act under a special agency, or a special letter of attorney, so that they are appointed in factum, for the deed, or special act to be performed; but in a more extended sense it includes all other agents employed in any business, or to do any act or acts in pais for another. Bac. Ab. Attorney; Story, Ag. 25.

3. All persons who are capable of acting for themselves, and even those who are disqualified from acting in their own capacity, if they have sufficient understanding, as infants of a proper age and femes coverts, may act as attorneys of others. Co. Litt. 52, a; 1 Esp. Cas. 142; 2 Esp. Cas.

Att. #82.2

4. The form of his appointment is by letter of attorney. (q. v.)

5. The object of his appointment is the transaction of some business of the constituent by the attorney.

6. The attorney is bound to act with due diligence after having accepted the employment, and in the end, to 'render an account to his principal of the acts which he has performed for him. Vide Agency; Agent; Authority; and Principal.

7. Attorney at law. An officer in a court of justice, who is employed by a party in a cause to manage the same for him. Appearance by an attorney has been allowed in England, from the time of the earliest

United States v. Throckmorton, 98 U.S. 61 (1878)

Syllabus Case

U.S. Supreme Court

United States v. Throckmorton, 98 U.S. 61 (1878)

United States v. Throckmorton

98 U.S. 61

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF CALIFORNIA

Syllabus

1. It is essential to a bill in chancery on behalf of the United States to set aside a patent for lands or the final confirmation of a Mexican grant that it shall appear in some way, without regard to the special form, that the Attorney General has brought it himself or given such authority for bringing it as will make him officially responsible therefor through all stages of its presentation.
2. The frauds for which a bill to set aside a judgment or a decree between the same parties, rendered by a court of competent jurisdiction, will be sustained are those which are extrinsic or collateral to the matter tried, and not a fraud which was in issue in the former suit.
3. The cases where such relief has been granted are those in which, by fraud or deception practiced on the unsuccessful party, he has been prevented from exhibiting fully his case, by reason of which there has never been a real contest before the court of the subject matter of the suit.
4. The circuit court of the United States has now no original jurisdiction to reform surveys made by the land department of confirmed Mexican grants in California.

The facts are stated in the opinion of the Court.

Page 98 U. S. 62

MR. JUSTICE MILLER delivered the opinion of the Court.

In this case a bill in chancery is brought in the Circuit Court of the United States for the District of California, to use the language of the bill itself, "by Walter Van Dyke, United States attorney for that district, on behalf of the United States," against Throckmorton, Howard, Goold, and Haggin.

The object of the bill is to have a decree of the court setting aside and declaring to be null and void a

Att. #83.1

his office, the important final decree of concession was not there. The attention, therefore, of all the parties and of the court must have been drawn to a close scrutiny of any proceeding to supply this important document.

There was also ample time to make all necessary inquiries and produce the necessary proof, if it existed, of the fraud. The allegation of the bill is that this simulated concession was filed with the board of commissioners in January, 1853, and the decree rendered on December 27, thereafter. The appeal was pending after this in the district court over two years, and after the final decree in that court it remained under the consideration of the Attorney General another year, when he authorized the dismissal of the appeal. The case, then, unless these officers neglected their duties, underwent the scrutiny of two judicial tribunals and of the Attorney General of the United States, as well as of his subordinate in the State of California, and was before them for a period of five years of litigation.

The bill in this case is filed May 13, 1876, more than twenty years after the rendition of the decree which it seeks to annul. During that time, Richardson, the claimant and the man who is personally charged with the guilt of the fraud, has died, his heirs, who with himself were claimants in the suit, are not made parties, and the land has passed from his ownership to that of the present defendants by purchase and conveyance.

It is true that the defendants are charged in general terms with being purchasers with notice.

It is true that the United States is not bound by the statute of limitations as an individual would be. And we have not recited any of the foregoing matters found in the bill as sufficient of itself to prevent relief in a case otherwise properly cognizable in equity. But we think these are good reasons why a bill which seeks under these circumstances to annul a decree thus surrounded by every presumption which should give it support shall present on its face a clear and unquestionable ground on which the jurisdiction it invokes can rest.

Let us inquire if this has been done.

There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents, and even judgments.

Page 98 U. S. 65

There is also no question that many rights originally founded in fraud become -- by lapse of time, by the difficulty of proving the fraud, and by the protection which the law throws around rights once established by formal judicial proceedings in tribunals established by law, according to the methods of the law -- no longer open to inquiry in the usual and ordinary methods. Of this class are judgments and decrees of a court deciding between parties before the court and subject to its jurisdiction, in a trial which has presented the claims of the parties, and where they have received the consideration of the court.

There are no maxims of the law more firmly established or of more value in the administration of justice than the two which are designed to prevent repeated litigation between the same parties in regard to the same subject of controversy -- namely, *interest rei publicae, ut sit finis litium*, and *nemo debet bis vexari pro una et eadem causa*.

If the court has been mistaken in the law, there is a remedy by writ of error. If the jury has been mistaken in the facts, the remedy is by motion for new trial. If there has been evidence discovered since the trial, a motion for a new trial will give appropriate relief in the same suit, and the part matter. So in a suit in chancery, on proper showing a re is an erroneous decision, an appeal to a higher court giv

Att. #83.2

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evidence is discovered after the decree has become final, a bill of review on that ground may be filed within the rules prescribed by law on that subject. Here again, these proceedings are all part of the same suit, and the rule framed for the repose of society is not violated.

But there is an admitted exception to this general rule in cases where, by reason of something done by the successful party to a suit, there was in fact no adversary trial or decision of the issue in the case. Where the unsuccessful party has been prevented from exhibiting fully his case by fraud or deception practiced on him by his opponent, as by keeping him away from court, a false promise of a compromise, or where the

Page 98 U. S. 66

defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff, or where an attorney fraudulently or without authority assumes to represent a party and connives at his defeat, or where the attorney regularly employed corruptly sells out his client's interest to the other side -- these and similar cases which show that there has never been a real contest in the trial or hearing of the case are reasons for which a new suit may be sustained to set aside and annul the former judgment or decree and open the case for a new and a fair hearing. See *Wells, Res Adjudicata*, sec. 499; *Pearce v. Olney*, 20 Conn. 544; *Wierich v. De Zoya*, 7 Ill. 385; *Kent v. Ricards*, 3 Md.Ch. 392; *Smith v. Lowry*, 1 Johns. (N.Y.) Ch. 320; *De Louis v. Meek*, 2 Ia. 55.

In all these cases and many others which have been examined, relief has been granted on the ground that, by some fraud practiced directly upon the party seeking relief against the judgment or decree, that party has been prevented from presenting all of his case to the court.

On the other hand, the doctrine is equally well settled that the court will not set aside a judgment because it was founded on a fraudulent instrument, or perjured evidence, or for any matter which was actually presented and considered in the judgment assailed. Mr. Wells, in his very useful work on *Res Adjudicata*, says, sec. 499:

"Fraud vitiates every thing and a judgment equally with a contract -- that is, a judgment obtained directly by fraud, and not merely a judgment founded on a fraudulent instrument; for in general the court will not go again into the merits of an action for the purpose of detecting and annulling the fraud. . . . Likewise, there are few exceptions to the rule that equity will not go behind the judgment to interpose in the cause itself, but only when there was some hindrance besides the negligence of the defendant in presenting the defense in the legal action. There is an old case in South Carolina to the effect that fraud in obtaining a bill of sale would justify equitable interference as to the judgment obtained thereon. But I judge it stands almost or quite alone, and has no weight as a precedent."

The case he refers to is *Crauford v. Crauford*, 4 Desau. (S.C.) 176. See also Bigelow on Fraud 170-172.

Page 98 U. S. 67

The principle and the distinction here taken was laid down as long ago as the year 1702 by the Lord Keeper in the High Court of Chancery in the case of *Tovey v. Young*, Pr.Ch. 193.

This was a bill in chancery brought by an unsuccessful party to a suit at law for a new trial, which was at that time a very common mode of obtaining a new trial. One of the grounds of the bill was that complainant had discovered since the trial was had that the principal witness against him was a partner in interest with the other side. The Lord Keeper said:

"New matter may in some cases be ground for relief, but when it consists in swearing only, will I ever grant a new trial that a witness on whose testimony the verdict was given

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Att. #83.3

10/23/2020

Used 2017 Entegra Coach Cornerstone 45B Motor Home Class A - Diesel at Parkway RV Center | Ringgold, GA | #4583

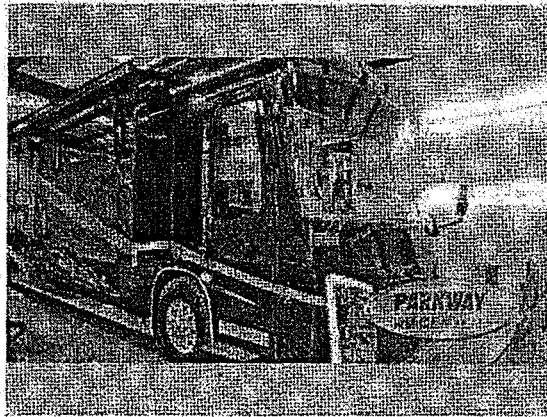


Used 2017 Entegra Coach Cornerstone 45B

Location

Ringgold, GA
5568 Battlefield Parkway
Ringgold, GA 30736
706-965-7929

Luxury Diesel Motor Coach, 600 HP Cummins, 4 Slides, Passive Tag Axle, Collision Avoidance



SOLD

Location: Ringgold, GA
Stock #4583
Click here to see if we have more available
Chassis: Spartan K3

Question?

Click here to chat with us

X

ONLINE - Click here to chat!

What we inspect for Option A Price

2017 45B Features and Options

SHOWN BY APPOINTMENT ONLY. PLEASE CALL BEFORE COMING TO LOOK.

Please watch video or call us for condition report, questions, etc. Please call (706) 965-7929 before coming to look to verify availability. Please note the get lowest price feature is our Option B as-is price only. For pricing details please call us or read below. Shown By Appointment Only. Unit is not on our sales lot.

If you are looking for DUAL sinks in a rear master bath, an entertainment center with a fireplace, and a half bath this quad slide Entegra Coach Cornerstone 45B motor home is your ne

2017 45B Specifications

Sleeps	4
Slides	4
Length	44 ft 11 in
Ext Width	8 ft 5 in
Ext Height	12 ft 11 in
Int Height	7 ft
Hitch Weight	20000 lbs
Gross Weight	54000 lbs
Fresh Water Capacity	100 gals
Grey Water Capacity	62 gals
Black Water Capacity	41 gals
Tire Size	22.5"
Generator	12.5 KW Onan Diesel
Fuel Type	Diesel
Engine	Cummins ISX 600HP
Chassis	Spartan K3
Horsepower	600 hp
Fuel Capacity	150 gals

TEXT US X

<https://www.parkwayrvcenter.com/product/used-2017-entegra-coach-cornerstone-45b-11290>

Att. #84.1

1/4

10/23/2020

Used 2017 Entegra Coach Cornerstone 45B Motor Home Class A - Diesel at Parkway RV Center | Ringgold, GA | #4583

Torque	1950 ft-lb
Refrigerator Type	Residential
Refrigerator Size	18 cu ft
Convection Cooking	Yes
Number of Awnings	3
Water Heater Type	Aqua Hot
AC BTU	45000 btu
Awning Info	Power
Washer/Dryer Available	Yes
Electrical Service	50 amp
VIN	4VZVU1E94HC082752

On the passenger side of the motor home you will find a slide with an expandable sofa and two ottomans or you can choose an optional hide-a-bed sofa. Also within the slide is a double kitchen sink, two burner range, microwave, overhead cabinets, and a shelf. The opposite side of the motor home offers a slide with an entertainment center, fireplace and a 50" LED TV, and a dinette with chairs, desk, plus a refrigerator.

Just past the slide in the main living area you will find a half bath.

The bedroom offers a king bed slide with overhead cabinets, and nightstands on either side of the bed. Across from the foot of the bed you will find a slide out with a vanity, dresser, and 32" LED TV in the bedroom. **Question?** [Click here to chat with us](#) is a pantry that is located in the hallway beside the kitchen countertop.

ONLINE - Click here to chat!
In the rear there is a master bath featuring a vanity with DUAL sinks on one side, plus a shower and toilet on the opposite side. Along the rear wall you will find a wardrobe with sliding mirror doors and a washer and dryer.

Outside you can even enjoy an exterior entertainment center with a 40" LED TV when relaxing in the great outdoors.

We offer you two options on how to buy this RV.
Option A is \$379,000 which is haggle free / firm (no matter if you pay cash, finance and or trade) Includes a inspection by our RV Techs that is completed after purchase (please visit our website for a list of what we inspect and repair if needed for the price you pay), 1 Year Nationwide Limited Warranty, Walk Thru / Demo, Starter Kit, Temp Tag, a year of free camping, and more. Option B is buyer declines all services and buys RV as-it sits (just like we purchased it), no

Att. #84.2

TEXT US X

<https://www.parkwayrvcenter.com/product/used-2017-entegra-coach-cornerstone-45b-1129011-10>

2/4

11/15/2020

Latin Dictionary

praeter : adv, beyond, after

praeter : adj., except; prep. + acc., besides, beyond, more than.

praeterea : preterea : besides, further, hereafter.

praeterea : adv, besides, moreover, as indeed it is

Att. #85



U.S. Department of Justice
United States Marshals Service

Complaint Regarding United States Marshals Service (USMS) Personnel or Programs

** Required Field*

Your Name: PLEASE SEE BELOW AND ATTACHED FORMAL GRIEVANCE COMPLAINT

Email Address:

Phone Number:

Other Number:

Street Address:

City:

State:

ZIP Code:

County:

☒ *** I certify that the information contained herein is true and correct to the best of my knowledge.**

*** COMPLAINT DETAILS** - Please provide a description of the facts and circumstances surrounding the reported activities, such as the evidence forming the basis of this report, the names of the individuals involved, dates, location, and their involvement:

US District Court for the Eastern District of Tennessee issued two fraudulent arrest warrants. US Marshals (Amanda Shields and Matthew S. Dusim-?) used those unlawful warrants and kidnapped Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf in violation of DOJ section 1033 (18 U.S.C §§ 1201, 1202). Mr. Beane and Mrs. Tucci:Jarraf did not give consent to be transported without a valid arrest warrant. Mr. Beane and Mrs. Tucci:Jarraf were illegally and unlawfully arrested and detained. Please see attached complaint for details - Att. #3 (Randall-Keith:Beane fraudulent arrest warrant), Att. #4 (Heather-Ann:Tucci:Jarraf fraudulent arrest warrant), Att. #10 - 18a U.S. Code Rule 9. Arrest Warrant on an Indictment - (b) Form - (1) "The warrant must...be signed by the clerk...", Att. #38 - 18 U.S. Code §241. Conspiracy against rights, and Att. #39 - 18 U.S. Code §242. Deprivation of rights under color of law. Thank you.

Privacy Act Statement: The USMS is authorized to collect this information from you pursuant to 28 C.F.R. § 0.111(n) and 28 C.F.R. § 0.113. The USMS will use the information you provide to investigate your complaint regarding USMS personnel and/or programs, and may contact you for more information. The information may be shared within the USMS, or to other components of the Department of Justice. In addition, the USMS may share the information with law enforcement agencies investigating a violation of law (whether criminal, civil, and/or administrative), or agencies implementing a statute, rule, or order. The contents of your complaint may be shared with Congressional offices. Additionally, the USMS may disclose relevant portions of the information to appropriate parties engaged in litigation and for other routine uses as specified in the Federal Register. You are not required by law to provide the requested information, but if you do not provide data in the fields listed, the USMS may not be able to properly address your complaint.

OMB Control Number 1105-0108 (Exp. 08/31/2023)

The Civil Rights Division enforces civil rights laws in a wide variety of contexts. You may use the information on this page to find the appropriate way to submit a complaint or report of a potential civil rights violation. If you are not sure which Section is the appropriate one to receive your complaint, you may contact the Civil Rights Division at toll-free 855-856-1247 or (202) 514-3847.

Criminal SectionHousing and Civil
Enforcement SectionDisability Rights SectionImmigrant and Employee Rights
SectionEducational Opportunities
SectionSpecial Litigation SectionEmployment Litigation SectionVoting SectionFederal Coordination and
Compliance

Please let us know if you have trouble understanding English or need help communicating with the Civil Rights Division. Ask for an interpreter or if translated material is available when you contact us. If you can, please tell us your language (or dialect).

Availability of Language Assistance Services (English)توافر خدمات المساعدة اللغوية – قسم الحقوق المدنية (Arabic)语言协助服务现成可用 (Simplified Chinese)語言協助服務現成可用 (Traditional Chinese)Magagamit na Mga Paglilingkod Ukol sa Tulong na Pangwikain — Sangay sa Mga Karapatang Sibil (Filipino)Disponibilité de services d'aide linguistique (French)[언어 지원 서비스 이용 – 인권국 (Korean)Disponibilidade de Serviços de Assistência Linguística – Divisão dos Direitos Cíveis (Portuguese)Управление по делам о нарушениях гражданских прав (Russian)Disponibilidad de servicios de asistencia lingüística (Spanish)Sự Sẵn Sàng của Dịch Vụ Hỗ Trợ Ngôn Ngữ (Vietnamese)**CRIMINAL**

Contact your local FBI field office to report incidents of:

- Hate crimes;
- Excessive force or other Constitutional violations by persons acting as law enforcement officials or public officials;
- Human trafficking and involuntary servitude;
- Force, threats, or physical obstruction to interfere with access to reproductive health care services;
- Force or threats to interfere with the exercise of religious beliefs and destruction, defacing, or damage of religious property; or,
- Force or threats to interfere with the right to vote based on race, color, national origin, or religion.

You can find your local office here:

<https://www.fbi.gov/contact-us/field-offices>

Please include as many details of the incident as possible, such as the dates and times; names of possible witnesses; and supporting documents, such as police and medical reports, or photographs.

You may also mail a written copy of the complaint and materials you submitted to the FBI to the Criminal Section at:

US Department of Justice
Civil Rights Division
Criminal Section - 4CON
950 Pennsylvania Avenue, NW
Washington, DC 20530